

ADDENDUM TO
STATEMENT OF THE ATTORNEY GENERAL
BENJAMIN R. CIVILETTI
BEFORE THE SENATE APPROPRIATIONS SUBCOMMITTEE ON
THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE
JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF JUSTICE FY 1981 BUDGET REQUEST

The 1981 budget request for the Department totals \$2,664,546,000 and 55,679 positions. This request is \$172,041,000 or 6.9 percent higher, and 1,238 positions, or 2.2 percent lower than the levels anticipated in 1980. This addendum highlights the more significant changes within each appropriation.

GENERAL ADMINISTRATION

The 1981 request for General Administration is \$32,152,000 and 711 positions, which is a net decrease of \$1,767,000 and a net increase of 22 positions over the anticipated 1980 level. The request reflects adjustments to the base of 11 positions and \$4,220,000, offset by program increases of \$2,453,000 and 33 positions, as follows:

An increase of 19 positions and \$810,000 is requested to support increased requirements of the Offices of the Attorney General, Deputy Attorney General and Associate Attorney General. The resources will help to improve coordination of the Department's policies and programs and will ensure improved Departmental responsiveness to matters involving energy litigation, case management, Hispanic affairs, Freedom of Information and Privacy Acts, and internal investigations. In addition, one position and \$27,000 will provide for improved Congressional liaison activities and 12 positions and \$1,232,000 will provide the Justice Management Division with necessary resources for improving equal employment opportunity program personnel, financial and library operations. The Office of the Pardon Attorney is requesting one position and \$34,000 to

provide more comprehensive and expeditious review of petitions and, finally, \$350,000 is requested for the Federal Justice Research Program to provide for two studies to assess the impact of sentencing reforms and appointment of new district court judges.

Adjustments to base changes include a decrease of 11 positions and \$650,000 which relates to a transfer of the Legal Education Institute from the Office of the Associate Attorney General to the U.S. Attorneys. There is also a decrease of \$5,000,000 in the State and Local Drug Grant Program for which funds were authorized in 1980. The remaining adjustments to base of \$1,430,000 are associated with uncontrollable increases.

UNITED STATES PAROLE COMMISSION

The U.S. Parole Commission request is for \$5,868,000 and 178 positions, which represents an uncontrollable increase of \$89,000.

GENERAL LEGAL ACTIVITIES

The 1981 request for General Legal Activities is \$163,689,000 and 3,905 positions, an increase of 38 positions and \$2,646,000 from the anticipated 1980 appropriation. Both years reflect the inclusion of the Antitrust Division. Program increases total 38 positions and \$4,221,000, while adjustments to the base show a net decrease of \$1,575,000.

Program increases of \$2,319,000 are requested for several of the legal divisions for increased automated litigation support and litigation management. These increases are \$336,000 for the Criminal Division; \$95,000 for the Civil Division; \$680,000 for the Land and Natural Resources Division; \$336,000 for the Civil Rights Division; \$72,000 for the Office of Legal Counsel; and \$800,000 for the Antitrust Division. This will allow more efficient use of currently available personnel resources.

Personnel increases are being requested for the Criminal and Civil Rights Divisions. The Criminal Division will use 20 positions and \$701,000 to increase

staffing of the Economic Crime Units of the Fraud Program. In the Civil Rights Division four positions and \$123,000 are for criminal civil rights prosecution and 14 positions and \$420,000 will be assigned to expansion of Title VI coordination.

The Antitrust Division requests \$658,000 to enable them to relocate all personnel in a single location. The Antitrust increases are offset by a decrease of four million dollars due to the phase-out of the State Antitrust Grant Program. The latter four million dollars is requested in a 1980 supplemental.

U.S. ATTORNEYS AND MARSHALS

The 1981 request for the Attorneys and Marshals, including the Trustees, is \$275,482,000 and 6,771 positions, a decrease of 562 positions and an increase of \$21,828,000 from the anticipated 1980 level. Net program changes total a decrease of 573 positions and increase of \$7,627,000, while other cost adjustments total 11 positions and \$14,201,000 including a transfer of the Legal Education Institute to the U.S. Attorneys (11 positions and \$650,000).

The 1981 request for the U.S. Attorneys totals 4,427 positions and \$176,859,000, which includes program increases of 22 positions and \$8,143,000 and adjustments to the base of 11 positions and \$13,827,000. A program increase of \$4,517,000 is requested to provide funding for unbudgeted expenses now being incurred. Funding for these expenses has been made possible by reducing the level of full-time permanent employees. The increase will provide funding for temporary employment, increased travel expenses, equipment rental, transcript costs and other litigation expenses, where there have been unbudgeted cost increases over the year.

Personnel increases are being requested in support of the Advocacy Institute and the Legal Education Institute. Four positions and \$289,000 are requested to be devoted to planning, coordinating and enhancing the courses offered by these institutes.

Eighteen positions and \$737,000 are requested for various management initiatives. Of this increase, 10 positions are requested to work on the development of an automated caseload management information system, six positions to conduct on-site evaluations of individual U.S. Attorney offices and two positions, to assist in the management of U.S. Attorney financial resources. Associated with the ten positions for the caseload management system is \$2.6 million for equipment rentals and contractual services.

For the U.S. Trustees, the 1981 budget totals \$6,681,000 and 167 positions, an increase of \$1,216,000 over the anticipated 1980 level, all associated with adjustments to the base.

For the U.S. Marshals, the 1981 request totals \$91,942,000 and 2,177 positions. Included within this request are potential cost savings totalling 257 positions and \$2,713,000, which are associated with the President's proposal to discontinue the service of private process by the Marshals. Other program decreases include reductions of 370 positions and \$786,000 in the security support program and \$143,000 in the supervision of unsentenced prisoners program. The 370 position reduction reflects the President's decision to have the Marshals Service continue to reimburse the General Services Administration for guard services in lieu of hiring Judicial Security Officers within the Marshals Service to provide protection to the judiciary.

Two major program increases are proposed for the Marshals Service. The first would add nine positions and \$2,314,000 and will enable the Marshals Service to improve assistance and social services to protected witnesses. The funding increase in the Witness Security program will enable the purchase of needed equipment to enhance the safety of protected witnesses and the Marshals Service personnel providing the protection. In addition, funding would be available to provide workhours for extraordinary protection of

critical Government witnesses. The second major increase for the Marshals Service would add 23 positions and \$812,000 to the Marshals efforts in the execution of Federal fugitive arrest warrants. The latter represents an area of increased responsibility the Marshals have assumed during 1980.

SUPPORT OF U.S. PRISONERS

The request for Support of U.S. Prisoners is \$23,000,000. An increase of \$1,200,000 is requested from the level anticipated for 1980 for contracts with local jails and to pay for higher daily jail rates.

FEES AND EXPENSES OF WITNESSES

The 1981 request for Fees and Expenses of Witnesses totals \$27,000,000, which is an increase of \$1,181,000 over the anticipated 1980 level. The increase will provide fact witness fees for the expected increase in the number of witnesses.

COMMUNITY RELATIONS SERVICE

The request for the Community Relations Service is \$5,318,000 and 111 positions, which represents no change in positions and an uncontrollable increase of \$132,000 from the anticipated 1980 level.

FEDERAL BUREAU OF INVESTIGATION

The request for the Federal Bureau of Investigation (FBI) totals \$636,971,000 and 19,306 positions, an increase of \$23,065,000 over the anticipated 1980 level, of which \$11,054,000 is an adjustment of the base and \$12,011,000 is a net programmatic increase. The request also reflects a decrease of 432 positions from the 1980 level, including a nonrecurring decrease of 300 positions and a net programmatic decrease of 132 positions.

The FBI has made significant changes in the types of investigations in which it is involved. The proposed level for the FBI represents the continued redirection of investigative resources to crime problems which have a national

dimension and which cannot be adequately addressed at the State and local level. The most significant program changes are: an additional 59 positions and \$1,594,000 for organized crime investigations, 80 positions and \$3,408,000 for expanded activity against white-collar crime, with particular emphasis on efforts to combat fraud against the government and public official corruption, and 46 positions and \$1,860,000 for other field investigative programs. Also, net increases totalling 36 positions and \$5,770,000 are required to strengthen headquarters coordination, provide expanded and more effective use of automated support systems, and improve the quality of forensic services.

The resources for these increases were made available, in part, by a shift of personnel to these high priority investigative programs from those of lesser urgency in which workload has declined or which can be effectively investigated by another agency. Accordingly, reductions of 54 positions and \$1,184,000 are proposed to field investigative programs. A total decrease of 299 positions are planned in the State and local assistance area, although there is a net \$563,000 increase in the requested funding level, primarily for equipment for the Forensic Sciences Research and Training Center at the FBI Academy. This includes a net decrease of 208 positions in the Fingerprint Identification Division; however, this decrease is to be offset by the addition of an equivalent number of funded workyears in 1981 to initiate a part-time employment program for the Identification Division. The latter is an attempt to resolve the FBI's long-standing problem in hiring and retaining full-time staff in the Fingerprint Identification program. Additionally, a non-policy decrease of 300 positions and \$3,698,000 was made in the Fingerprint Identification program related to the fingerprint automation conversion project.

IMMIGRATION AND NATURALIZATION SERVICE

Last year's budget submission included several decreases to the 1979 levels, however, most of the border enforcement decreases reflected the elimination of unfilled positions appropriated in 1979. Congress essentially restored the border enforcement decreases by approving an increase of 495 positions and \$14.5 million in the 1980 appropriation. Major increases to automate I&NS' records and files control system were also granted by Congress. The 1981 budget continues to stress a policy of measured growth for border enforcement with some modest increases in service to the public.

The request for 1981 totals \$349,855,000 and 10,716 positions, an increase of \$13,348,000 and a decrease of 262 positions compared with the 1980 anticipated appropriation. Changes between 1980 and 1981 include uncontrollable increases of \$14,329,000, nonrecurring decreases of \$6,020,000 and program increases of \$5,168,000.

Program changes in 1981 include an increase in the Adjudications program, which will reduce excess waiting time for adjudications benefits by 50 percent. Satellite offices in Brooklyn, Chicago, Miami, and Oakland will ensure the availability of convenient immigration services to the public. Resources will also be provided to complete the rehabilitation of the Port Isabel Service Processing Center. Additional inspectors will be assigned to the Miami, Florida international airport, allowing the Service to meet the demands of growing air traffic. Increases are also being requested for the Refugee program to meet the additional workload generated from the increased flow of Indochinese refugees. Although a decrease in authorized positions is being requested for the Border Patrol program, actual on-board personnel levels will be greater in 1981 than in 1980. Should additional personnel be required to address a border enforcement emergency, the redeployment of Border Patrol personnel will be emphasized.

DRUG ENFORCEMENT ADMINISTRATION

The 1981 request for the Drug Enforcement Administration (DEA) is \$208,605,000 and 4,092 positions, which represents a net increase of \$6,888,000 and 18 positions over the 1980 request. Included in the request are uncontrollable increases of \$6,895,000, program decreases of \$4,072,000 and 33 positions, and program increases of \$4,065,000 and 51 positions.

DEA will, through this request, increase the emphasis placed on financial and organized crime investigations, as well as investigations of key drug traffickers, as evidenced, in part, by an increase of \$1,800,000 and 38 positions for domestic enforcement. Also, DEA will continue monitoring the heroin trafficking from both both the Middle-East and Southeast Asia areas, which are always volatile, and continue to stem the influx of marihuana and cocaine from South America and expand the DEA Automated Teleprocessing System to selected overseas locations (\$300,000). Additionally, DEA will increase by one to a total of three the number of Diversion Investigation Units (\$330,000) for 1981 and continue to suppress the clandestine manufacture and trafficking of other dangerous drugs. Finally, \$1,000,000 is requested to provide the first year funding of a five year program to implement a secure voice communication system in support of DEA field operations and, as a result of the increase in the number of Freedom of Information and Privacy Act (FOIPA) requests, the DEA's budget request includes an increase of \$635,000 and 13 positions to handle the increase FOIPA workload.

The major reductions are the result of a withdrawal of foreign office regional personnel (\$665,000 and 5 positions) and a decreased emphasis in the State and local assistance programs involving task forces (\$3,027,000 and 21 positions) and laboratory support services (\$380,000 and 7 positions).

FEDERAL PRISON SYSTEM

The continuing decline in the Federal prison population is reflected in the Department's 1981 estimates for the Federal Prison System. Increased use of community treatment centers by the Bureau of Prisons has, among other reasons, contributed toward eliminating the serious overcrowding problems experienced in the past. For the Federal Prison System in 1981, the request totals \$365,724,000 and 9,318 positions. This is distributed among the operating appropriation "Salaries and expenses," the construction appropriation "Buildings and facilities," and the National Institute of Corrections.

Salaries and Expenses

The 1981 request for "Salaries and Expenses" is \$344,567,000 and 9,253 positions, an increase of \$13,699,000 over the 1980 anticipated appropriation but a net decrease of 60 positions. Of this requested increase, \$8,604,000 is the result of uncontrollable requirements. The remaining increased amount is attributable to specific program changes as described below. These changes are consistent with the Bureau's continuing efforts to close or phase down its antiquated penitentiaries and expand its utilization of minimum security facilities and prison camps.

Program increases are being requested which total 425 positions and \$12,815,000. The most significant of these items include the following: resources to activate and operate the new Federal Correctional Institution at Lake Placid, New York (208 positions and \$5,948,000); funds to acquire, operate and expand a surplus military facility in Madera, California for use as a prison camp (93 positions and \$3,786,000); resources to expand the capacity of the Boron, California, federal prison camp (32 positions and \$384,000); and funds for upgrading medical services at the Springfield Medical Center and for meeting

rising costs associated with contract community treatment centers (63 positions and \$2,048,000). Other increases of 29 positions and \$649,000 are planned for the improvement of various inmate programs.

There are program decreases also being proposed which will partially offset the requested funding level increases. These reductions are primarily associated with the planned closing of the McNeil Island, Washington Penitentiary (-289 positions and -\$2,701,000), the phase-down of the Atlanta and Leavenworth Penitentiaries (-175 positions and -\$3,116,000) and funds reflecting a decrease in the inmate population (-\$1.5 million). The remaining decreases of 21 positions and \$410,000 are for institution administration and security.

National Institute of Corrections

The 1981 request for the "National Institute of Corrections" appropriation is \$10,691,000 and 30 positions. This reflects an increase of \$807,000 over 1980, which is for uncontrollable increases, related to contract and grant cost escalation.

Buildings and Facilities

For "Buildings and Facilities," the request is \$10,466,000 and 35 positions. This is an increase of \$4,506,000 over 1980. Aside from \$446,000 requested to cover cost escalation, the remaining \$4,060,000 will enable the Bureau to undertake critical rehabilitation and renovation projects at existing institutions. The largest portion of the request (\$2.7 million) is to upgrade medical housing, security, and the electrical system at the Springfield, Missouri Medical Center in order for the Center to maintain accreditation. No funds are requested for site planning and new construction.

OFFICE OF JUSTICE ASSISTANCE, RESEARCH AND STATISTICS

The recently enacted Justice System Improvement Act of 1979 establishes four organizational entities: the Office of Justice Assistance, Research and Statistics (OJARS), the Law Enforcement Assistance Administration (LEAA), the National Institute of Justice (NIJ) and the Bureau of Justice Statistics (BJS). The 1981 request for OJARS totals \$570,882,000 and 571 positions, which represents an increase of \$84,419,000 over the 1980 anticipated level. These resources are divided between the two appropriations of "Law Enforcement Assistance" and "Research and Statistics," as described below.

Law Enforcement Assistance

The request for this appropriation is \$521,358,000 and 461 positions, which is an increase of \$78,663,000. Of this additional amount, \$27,696,000 is due to cost adjustments. The remaining increased amount, totalling \$50,967,000, results from the following proposed program enhancements: General Criminal Justice Formula Grants (\$35,517,000); the National Priority and General Criminal Justice grant programs (\$8,880,000); Crime Prevention Programs (\$4,070,000), and the Public Safety Officers' Benefits Program (\$2,500,000).

The focus of the majority of these funds toward the formula grant program underscores the Administration's commitment to improve operational programs at the State and local levels. The requested level will permit the distribution of these formula funds to those areas experiencing the most severe crime problems. In addition, funding for programs associated with the Juvenile Justice and Delinquency Prevention Act of 1974 is maintained at the level of \$100,000,000 in recognition of the priority that both the Administration and the Congress place on these efforts.

Research and Statistics

This appropriation contains resources associated with NIJ and BJS programs. The 1981 request totals \$49,524,000 and 110 positions, which represents an increase of \$5,756,000 from the 1980 anticipated level. Of this increased amount, \$1,113,000 is due to uncontrollable items. The remaining program increase of \$4,643,000 is to be directed toward justice statistical programs, specifically to permit continuation of the victimization survey at its current level. This program was partially supported last year with reversionary funds.