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# FY2017 Appropriations for the Department of Justice

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# Summary

The Department of Justice (DOJ) was established in 1870 with the Attorney General as its leader. Since its creation, DOJ has grown to add additional agencies, components, offices, boards, and divisions. DOJ, along with the judicial branch, operates the federal criminal justice system. Today, the department enforces federal criminal and civil laws, including antitrust, civil rights, environmental, and tax laws. DOJ, through agencies such as the Federal Bureau of Investigation (FBI); the Drug Enforcement Administration (DEA); and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), investigates terrorism, organized and violent crime, illegal drugs, and gun and explosives violations. The department, through the U.S. Marshals Service (USMS), protects the federal judiciary, apprehends fugitives, and detains individuals who are not granted pretrial release. DOJ prosecutes individuals accused of violating federal laws and it represents the U.S. government in court. DOJ's Bureau of Prisons (BOP) incarcerates individuals convicted of violating federal laws. In addition to its role in administering the federal criminal justice system, the department also provides grants and training to state, local, and tribal law enforcement agencies and judicial and correctional systems.

For FY2016, Congress provided a total of $29.090 billion for DOJ. The Obama Administration proposed a 2.8% increase in DOJ's funding for FY2017 ($29.910 billion). The Obama Administration's request included $2.789 billion for the U.S. Marshals, $9.502 billion for the FBI, $2.103 billion for the DEA, $1.306 billion for the ATF, and $7.302 billion for the BOP. The remaining funding (approximately $6.908 billion) would be for DOJ's other offices, such as the U.S. Attorneys offices, the Executive Office for Immigration Review, and the Attorney General's office, along with supporting other functions such as interagency drug crime task forces and awarding grants to aid the operations of state and local law enforcement and judicial and correctional systems.

The Obama Administration's FY2017 DOJ budget request included proposals to increase funding for existing programs and fund new programs that sought to address several issues that rose to national prominence recently, such as concerns about gun violence in cities across the country, the relationship between law enforcement and the communities they serve, violent extremism and "home-grown" terrorism, preparing inmates to return to society after incarceration, cybersecurity, and an increase in heroin abuse and overdose-related deaths.

The FY2017 Commerce, Justice, Science, and Related Agencies (CJS) appropriations bill reported by the Senate Committee on Appropriations (S. 2837) would have provided a total of $29.246 billion for DOJ, while the House committee-reported CJS appropriations bill (H.R. 5393) would have provided a total of $29.437 billion for DOJ.

The Consolidated Appropriations Act, 2017 (P.L. 115-31) appropriates $28.962 billion for DOJ, an amount that is 0.4% less than the FY2016 appropriation and 2.9% less than what the Obama Administration requested. The act includes $2.713 billion for the U.S. Marshals, $9.006 billion for the FBI, $2.103 billion for the DEA, $1.259 billion for the ATF, and $7.142 billion for the BOP. The remaining funding (approximately $6.793 billion) would be for DOJ's other offices, such as the U.S. Attorneys offices, the Executive Office for Immigration Review, and the Attorney General's office, along with supporting the other functions noted above.

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The mission of the Department of Justice (DOJ) is to "enforce the law and defend the interests of the United States according to the law; to ensure public safety against threats foreign and domestic; to provide federal leadership in preventing and controlling crime; to seek just punishment for those guilty of unlawful behavior; and to ensure fair and impartial administration of justice for all Americans."[1]

DOJ was established in 1870 with the Attorney General as its leader. Since its creation, DOJ has grown to add additional agencies, components, offices, boards, and divisions. DOJ, along with the judicial branch, operates the federal criminal justice system. Today, the department enforces federal criminal and civil laws, including antitrust, civil rights, environmental, and tax laws. DOJ, through agencies such as the Federal Bureau of Investigation (FBI); the Drug Enforcement Administration (DEA); and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), investigates terrorism, organized and violent crime, illegal drugs, and gun and explosives violations. The department, through the U.S. Marshals Service (USMS), protects the federal judiciary, apprehends fugitives, and detains individuals who are not granted pretrial release. DOJ prosecutes individuals accused of violating federal laws and it represents the U.S. government in court. DOJ's Bureau of Prisons (BOP) incarcerates individuals convicted of violating federal laws. In addition to its role in administering the federal criminal justice system, the department also provides grants and training to state, local, and tribal law enforcement agencies and judicial and correctional systems.

# Overview of DOJ's Accounts

Congress appropriates funding to support DOJ's operations as a part of the annual Commerce, Justice, Science, and Related Agencies (CJS) appropriations legislation.[2] This section provides a brief overview of DOJ's accounts.

## General Administration Account

The General Administration account provides funds for salaries and expenses for the Attorney General's office, the Inspector General's office, and other programs designed to ensure that the efforts of DOJ agencies are coordinated.

### General Administration

The account includes funding for salaries and expenses for DOJ administration as well as for Justice Information Sharing Technology. It also funded the National Drug Intelligence Center (NDIC) prior to its closure.

### Administrative Review and Appeals (ARA)

Administrative Review and Appeals (ARA) includes the Executive Office for Immigration Review (EOIR) and the Office of the Pardon Attorney (OPA). The EOIR is responsible for the review and adjudication of immigration cases in coordination with the Department of Homeland Security. The OPA receives and reviews petitions for executive clemency.

[1] U.S. Department of Justice, *About DOJ*, http://www.justice.gov/about/about.html.

[2] For more information on CJS appropriations, see CRS Report R44409, *Overview of FY2017 Appropriations for Commerce, Justice, Science, and Related Agencies (CJS)*, by Nathan James.

In FY2017, Congress changed the title of the Administrative Review and Appeals account to the Executive Office for Immigration Review account. Funding for the Pardon Attorney was moved to the General Legal Activities account.

### Office of the Inspector General (OIG)

The Office of the Inspector General (OIG) is responsible for detecting and deterring waste, fraud, and abuse involving DOJ programs and personnel; promoting economy and efficiency in DOJ operations; and investigating allegations of departmental misconduct.

## U.S. Parole Commission

The U.S. Parole Commission adjudicates parole requests for prisoners who are serving felony sentences under federal and District of Columbia code violations. The commission also sets the conditions of release for offenders under its jurisdiction and makes determinations about whether to return parolees who have violated the terms of their release to prison.

## Legal Activities

The Legal Activities account includes several subaccounts: General Legal Activities, U.S. Attorneys, the Antitrust Division, the Vaccine Injury Compensation Trust Fund, the U.S. Trustee System Fund, the Foreign Claims Settlement Commission, Fees and Expenses of Witnesses, and the Community Relations Service. Via this account, Congress also establishes a limit on how much can be spent from the Assets Forfeiture Fund to cover certain expenses (e.g., the payment of awards in drug cases, purchasing evidence in drug cases, or equipping vehicles for use in law enforcement function).

These subaccounts can involve a wide array of activities. For example, the General Legal Activities subaccount funds the Office of the Solicitor General to supervise and conduct government litigation in proceedings before the Supreme Court. It also funds several departmental divisions (tax, criminal, civil, environment and natural resources, legal counsel, civil rights, INTERPOL, and dispute resolution). The U.S. Attorneys enforce federal laws through prosecution of criminal cases and represent the federal government in civil actions in all of the 94 federal judicial districts.

## U.S. Marshals Service (USMS)

The U.S. Marshals Service (USMS) is responsible for the protection of the federal judicial process, including protecting judges, attorneys, witnesses, and jurors. In addition, the USMS provides physical security in courthouses, transports prisoners to and from court proceedings, apprehends fugitives, executes warrants and court orders, and seizes forfeited property.[3]

## National Security Division (NSD)

The National Security Division (NSD) coordinates DOJ's national security and terrorism missions through law enforcement investigations and prosecutions. The NSD was established in DOJ in response to the recommendations of the Commission on the Intelligence Capabilities of

[3] Under the Consolidated and Further Continuing Appropriations Act (P.L. 113-6), Congress eliminated funding for the Office of the Federal Detention Trustee account and instead provided funding for a Federal Prisoner Detention account under the USMS. Funding under this account covers the costs associated with the care of federal detainees.

the United States Regarding Weapons of Mass Destruction (WMD Commission), and authorized by Congress on March 9, 2006, in the USA PATRIOT Improvement and Reauthorization Act of 2005 (P.L. 109-177). Under the NSD, DOJ resources of the Office of Intelligence Policy and Review and the Criminal Division's Counterterrorism and Counterespionage Sections were consolidated to coordinate all intelligence-related resources and to ensure that criminal intelligence information is shared, as appropriate.

## Interagency Law Enforcement

The Interagency Law Enforcement account reimburses DOJ agencies for their participation in the Organized Crime Drug Enforcement Task Force (OCDETF) program. Organized into nine regional task forces, this program combines the expertise of federal agencies with the efforts of state and local law enforcement to disrupt and dismantle major narcotics trafficking and money laundering organizations. The federal agencies and DOJ divisions that participate in OCDETF are the DEA, FBI, ATF, USMS, Tax and Criminal Divisions of DOJ, and U.S. Attorneys. Other agencies participating in OCDETF are Immigration and Customs Enforcement, the U.S. Coast Guard, the Treasury Office of Enforcement, and the Internal Revenue Service.

## Federal Bureau of Investigation (FBI)

The Federal Bureau of Investigation (FBI) is the lead federal investigative agency charged with defending the country against foreign terrorist and intelligence threats; enforcing federal laws; and providing leadership and criminal justice services to federal, state, municipal, tribal, and territorial law enforcement agencies and partners. Since the September 11, 2001 (9/11), terrorist attacks, the FBI has reorganized and reprioritized its efforts to focus on preventing terrorism and related criminal activities.

## Drug Enforcement Administration (DEA)

The Drug Enforcement Administration (DEA) is the only single-mission federal agency tasked with enforcing the nation's controlled substance laws in order to reduce the availability and abuse of illicit drugs and the diversion of licit drugs for illicit purposes. The DEA's enforcement efforts include the disruption and dismantling of drug trafficking and money laundering organizations through drug interdiction and seizures of illicit revenues and assets derived from these organizations. The agency plays a key role in the Administration's Southwest Border Initiative to counter drug-related border violence, focusing on the convergent threats of illegal drugs, drug-related violence, and terrorism in the region. The DEA also has an active role in the Prescription Drug Abuse Prevention Plan, targeting improper prescribing practices, and promoting proper disposal of unused prescription drugs.

## Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)

The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) enforces federal criminal law related to the manufacture, importation, and distribution of alcohol, tobacco, firearms, and explosives. The ATF works independently and through partnerships with industry groups; international, state, and local governments; and other federal agencies to investigate and reduce crime involving firearms and explosives, acts of arson, and illegal trafficking of alcohol and tobacco products.

## Federal Prison System (Bureau of Prisons, BOP)

The Bureau of Prisons (BOP) was established in 1930 to house federal inmates, professionalize the prison service, and ensure consistent and centralized administration of the federal prison system. The mission of the BOP is to protect society by confining offenders in prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, and that provide work and other self-improvement opportunities for inmates so that they can become productive citizens after they are released. The BOP currently operates 122 correctional facilities across the country.[4] It also contracts with Residential Re-entry Centers (RRCs, i.e., halfway houses) to provide assistance to inmates nearing release. RRCs provide inmates with a structured and supervised environment along with employment counseling, job placement services, financial management assistance, and other programs and services.

## Office on Violence Against Women (OVW)

The Office on Violence Against Women (OVW) was established to administer programs created under the Violence Against Women Act (VAWA) of 1994 and subsequent legislation. These programs provide financial and technical assistance to communities around the country to facilitate the creation of local programs, policies, and practices designed to improve criminal justice responses related to domestic violence, dating violence, sexual assault, and stalking.

## Office of Justice Programs (OJP)

The Office of Justice Programs (OJP) manages and coordinates the National Institute of Justice; Bureau of Justice Statistics; Office of Juvenile Justice and Delinquency Prevention; Office for Victims of Crime; Bureau of Justice Assistance; Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking; and related grant programs.

### Research, Evaluation, and Statistics

The Research, Evaluation, and Statistics account (formerly the Justice Assistance account) funds the operations of the Bureau of Justice Statistics and the National Institute of Justice, among other things.

### State and Local Law Enforcement Assistance

The State and Local Law Enforcement Assistance account includes funding for a variety of grant programs to improve the functioning of state, local, and tribal criminal justice systems. Some examples of programs that have traditionally been funded under this account include the Edward Byrne Memorial Justice Assistance Grant (JAG) program, the Drug Courts program, the State Criminal Alien Assistance Program (SCAAP), and DNA backlog reduction grants.

### Juvenile Justice Programs

The Juvenile Justice Programs account includes funding for grant programs to reduce juvenile delinquency and help state, local, and tribal governments improve the functioning of their juvenile justice systems.

[4] U.S. Department of Justice, Bureau of Prisons, *About the Bureau of Prisons, Federal Prisons*, http://www.bop.gov/about/facilities/federal_prisons.jsp.

### Public Safety Officers Benefits Program (PSOB)

The Public Safety Officers Benefits (PSOB) program provides three different types of benefits to public safety officers and their survivors: death, disability, and education. The PSOB program is intended to assist in the recruitment and retention of law enforcement officers, firefighters, and first responders.

## Office of Community Oriented Policing Services (COPS)

The Office Community Oriented Policing Services (COPS) awards grants to state, local, and tribal law enforcement agencies throughout the United States so they can hire and train law enforcement officers to participate in community policing, purchase and deploy new crime-fighting technologies, and develop and test new and innovative policing strategies.

## The Crime Victims Fund

The Crime Victims Fund (CVF) was established by the Victims of Crime Act of 1984 (P.L. 98-473, VOCA). It is administered by the Office for Victims of Crime (OVC), and provides funding to the states and territories for victim compensation and assistance programs. This account does not receive appropriations but instead is funded by criminal fines, forfeited bail bonds, penalties, and special assessments that are collected by U.S. Attorneys' Offices, U.S. courts, and the BOP.[5]

# FY2016 and FY2017 Appropriations for DOJ

For FY2016, Congress provided a total of $29.090 billion for DOJ. The Obama Administration proposed a 2.8% increase in DOJ's funding for FY2017 ($29.910 billion). The Obama Administration's request included $2.789 billion for the U.S. Marshals, $9.502 billion for the FBI, $2.103 billion for the DEA, $1.306 billion for the ATF, and $7.302 billion for the BOP. The Administration also proposed transferring $326 million from the Crime Victims Fund to the Office on Violence Against Women.

The FY2017 CJS appropriations bill reported by the Senate Committee on Appropriations (S. 2837) would have provided a total of $29.246 billion for DOJ, an amount that was 2.0% less than the Obama Administration's request, but 0.5% greater than the FY2016-enacted appropriation.

The House committee-reported CJS appropriations bill would have provided a total of $29.437 billion for DOJ, an amount that was 1.2% greater than the FY2016-enacted appropriation but 1.3% less than the Administration's request. The House Committee on Appropriations recommended increases in funding of less than 2% compared to FY2016-enacted funding for most of DOJ's law enforcement agencies (USMS, DEA, and ATF). The one exception was the FBI, which would have received a 3.2% increase in its appropriation.

The Consolidated Appropriations Act, 2017 (P.L. 115-31) provides a total of $28.962 billion for DOJ. The amount appropriated for FY2017 is 0.4% less than the FY2016 appropriation and 2.9% less than the Obama Administration's request. The overall decrease in DOJ's funding is largely the result of Congress reducing funding for construction accounts under the USMS, FBI, and BOP along with reducing funding for a few grant accounts such as State and Local Law Enforcement Assistance; Research, Evaluation, and Statistics; and Juvenile Justice Programs.

[5] U.S. Department of Justice, Office for Victims of Crime, *About OVC, Crime Victims Fund*, http://www.ojp.usdoj.gov/ovc/about/victimsfund.html.

FY2017 funding for DOJ's law enforcement agencies (i.e., the FBI, DEA, ATF, and USMS) increased. There was also increased funding for the U.S. Attorneys.

Like FY2016, Congress will supplement appropriated funding for the Office on Violence Against Women with a transfer from the Crime Victims Fund. A total of $481.5 million in new budget authority will be available for the Office on Violence Against Women for FY2017, but $326 million of that will come via a transfer from the Crime Victims Fund. **Table 1** provides data on the FY2016 appropriations, the President's FY2017 budget request, the Senate and the House committee-reported, and the FY2017-enacted amounts for these accounts.

**Table 1. DOJ Appropriations, FY2016 and FY2017**

Budget authority in millions of dollars

| Account | FY2016 Enacted | FY2017 Administration's Request | FY2017 Senate Committee-Reported | FY2017 House Committee-Reported | FY2017 Enacted |
|---|---|---|---|---|---|
| General Administration | $659.0 | $714.7 | $682.5 | 706.4 | 676.7 |
| General Administration | (142.5) | (183.5) | (164.1) | (155.0) | (145.1) |
| *Salaries and Expenses* | *(111.5)* | *(125.9)* | *(114.1)* | *(115.0)* | *(114.1)* |
| *Justice Information Sharing Technology* | *(31.0)* | *(57.6)* | *(50.0)* | *(40.0)* | *(31.0)* |
| Administrative Review and Appeals | (422.8) | (433.4) | (422.8) | — | — |
| Executive Office of Immigration Review | — | — | — | (453.2) | (436.0) |
| Office of the Pardon Attorney | — | — | — | (4.5) | — |
| Office of the Inspector General | (93.7) | (97.8) | (95.6) | (93.7) | 95.6 |
| U.S. Parole Commission | 13.3 | 14.0 | 13.3 | 13.3 | 13.3 |
| Legal Activities | 3,314.6 | 3,352.9 | 3,342.6 | 3,364.3 | 3.353.8 |
| General legal activities | (893.0) | (957.4) | (893.0) | (893.0) | (897.5) |
| United States Attorneys | (2,000.0) | (2,074.4) | (2,030.0) | (2,050.0) | (2.035.0) |
| Antitrust Division | (165.0) | (180.5) | (165.0) | (165.0) | (165.0) |
| Offsetting Fee Collections (Antitrust Division) | (-124.0) | (-125.0) | (-125.0) | (-125.0) | (-125.0) |
| U.S. Trustee Program | (225.9) | (229.7) | (225.9) | (225.9) | (225.9) |
| Offsetting Fee Collections (U.S. Trustee Program) | (-162.0) | (-163.0) | (-163.0) | (-163.0) | (-163.0) |
| New fees for U.S. Trustee Program[a] | — | (-125.0) | — | — | — |
| Foreign Claims Settlement Commission | (2.4) | (2.4) | (2.4) | (2.4) | (2.4) |
| Fees and Expenses of Witnesses | (270.0) | (270.0) | (270.0) | (270.0) | (270.0) |
| Community Relations Service | (14.4) | (19.0) | (14.4) | (15.5) | (15.5) |
| Assets Forfeiture Fund[b] | (20.5) | (20.5) | (20.5) | (20.5) | (20.5) |
| Vaccine Injury Compensation Trust Fund | (9.4) | (12.0) | (9.4) | (10.0) | (10.0) |

| Account | FY2016 Enacted | FY2017 Administration's Request | FY2017 Senate Committee-Reported | FY2017 House Committee-Reported | FY2017 Enacted |
|---|---|---|---|---|---|
| U.S. Marshals Service | 2,700.0 | 2,789.2 | 2,713.5 | 2,743.0 | 2,713.5 |
| Salaries and Expenses | (1,230.6) | (1,275.2) | (1,249.0) | (1,258.0) | (1,249.0) |
| Construction | (15.0) | (10.0) | (10.0) | (10.0) | (10.0) |
| Federal Prisoner Detention | (1,454.4) | (1,504.0) | (1,454.4) | (1,475.0) | (1,454.4) |
| National Security Division | 95.0 | 97.3 | 95.0 | 97.3 | 96.0 |
| Interagency Law Enforcement | 512.0 | 522.1 | 512.0 | 522.1 | 517.0 |
| Federal Bureau of Investigation | 8,798.8 | 9,502.4 | 9,451.1 | 9,077.9 | 9,006.4 |
| Salaries and Expenses | (8,489.8) | (8,718.9) | (8,617.1) | (8,768.9) | (8,767.2) |
| Construction | (309.0) | (783.5) | (834.0) | (309.0) | (420.2) |
| *Transfer of Balances from the Working Capital Fund* | — | — | — | — | *(-181.0)* |
| Drug Enforcement Administration | 2,080.0 | 2,103.0 | 2,103.0 | 2,103.0 | 2,103.0 |
| Bureau of Alcohol, Tobacco, Firearms and Explosives | 1,240.0 | 1,306.1 | 1,258.6 | 1,257.8 | 1,258.6 |
| Federal Prison System | 7,481.2 | 7,301.9 | 7,094.2 | 7,159.5 | 7,141.5 |
| Salaries and Expenses | (6,948.5) | (7,186.2) | (6,978.5) | (7,016.8) | (7,008.8) |
| Construction | (530.0) | (113.0) | (113.0) | (140.0) | (130.0) |
| Limitation on Administrative Expenses, Federal Prison Industries | (2.7) | (2.7) | (2.7) | (2.7) | (2.7) |
| Office on Violence Against Women | 101.0[c] | 163.0[d] | 102.5[e] | 527.5 | 155.5[f] |
| Office of Justice Programs | 1,883.0 | 1,675.5 | 1,662.9 | 1,566.5 | 1,705.8 |
| Research, Evaluation, and Statistics | (116.0) | (154.0) | (118.0) | (93.0) | (89.0) |
| State and Local Law Enforcement Assistance | (1,408.5) | (1,097.8) | (1,183.6) | (1,199.9) | (1,280.5)[g] |
| Juvenile Justice Programs | (270.2) | (334.4) | (272.0) | (184.3) | (247.0) |
| Public Safety Officers Benefits | (88.3) | (89.3) | (89.3) | (89.3) | (89.3) |
| Community Oriented Policing Services | 212.0 | 286.0 | 215.0 | 299.0 | 221.5 |
| Obligation Cap on the Crime Victims Fund (CVF) | 3,042.0 | 2,000.0 | 2,957.0 | 2,737.0 | 2,573.0 |
| Offsetting Receipts (CVF) | -3,042.0 | -2,000.0 | -2,957.0 | -2,737.0 | -2,573.0 |
| **Total** | **29,089.8** | **29,828.1** | **29,246.2** | **29,437.5** | **28,962.5** |

**Source:** The FY2016-enacted amounts were taken from the joint explanatory statement to accompany P.L. 114-113, printed in the December 17, 2015, *Congressional Record* (pp. H9732-H9759). The Obama Administration's FY2017 requested amounts were taken from the Department of Justice's budget justifications and S.Rept. 114-239. The Senate committee-reported amounts were taken from S.Rept. 114-239. The House committee-reported amounts were taken from H.Rept. 114-605. The FY2017-enacted amounts were taken from the joint explanatory statement to accompany P.L. 115-31, printed in the May 3, 2017, *Congressional Record* (pp. H3365-H3390).

**Notes:** Amounts may not add to totals due to rounding. Amounts do not include any rescissions of unobligated balances, nor do they reflect any scorekeeping adjustments. Amounts in parenthesis are subaccounts.

a. In the FY2017 budget request for the Department of Justice, the Administration proposed an amendment to 28 U.S.C. § 1930(a) to increase the amount of fees the U.S. Trustees can collect.
b. As a part of the annual CJS appropriations act, Congress traditionally sets a limit on the amount of expenses that can be paid for the purposes authorized under (B), (F), and (G) of Section 524(c)(1) of Title 28 of the United States Code.
c. This amount does not include the $379 million transfer from the Crime Victims Fund to the Office on Violence Against Women per P.L. 114-113.
d. The Administration proposed transferring $326 million from the Crime Victims Fund to the Office on Violence Against Women.
e. S. 2837 included a proposal to transfer $379 million from the Crime Victims Fund to the Office on Violence Against Women.
f. This amount does not include a $326 million transfer from the Crime Victims Fund to the Office on Violence Against Women per P.L. 115-31.
g. This amount includes $7 million that was appropriated pursuant to the Further Continuing and Security Assistance Appropriations Act, 2017 (P.L. 114-254) for the Edward Byrne Memorial Justice Assistance Grant (JAG) program to reimburse overtime costs associated with providing security for President-elect Donald Trump that was extended until the end of FY2017 by the Consolidated Appropriations Act, 2017 (P.L. 115-31). This amount also includes $15 million that was appropriated for the Emergency Federal Law Enforcement Assistance program pursuant to section 542 of Division B of the Consolidated Appropriations Act, 2017.

# Select Legislative Proposals

The Obama Administration's FY2017 request for DOJ included proposals to either increase funding for existing programs or fund new programs that seek to address several issues that have risen to national prominence recently, such as concerns about reported increases in violent crime (especially homicides) in cities across the country, the relationship between law enforcement and the communities they serve, violent extremism and "home-grown" terrorism, preparing inmates to return to society after a period of incarceration, cybersecurity, and an increase in heroin abuse and overdose-related deaths.

## Gun Safety Initiatives

For FY2017, the Obama Administration requested an additional $89 million and 230 positions to support the President's gun safety initiatives. According to the Obama Administration, the request would have provided "significant investments that focus on combatting violent crime in the U.S. and support the President's initiatives on reducing gun violence."[6] The majority of the requested funding for the President Obama's gun safety initiatives would have gone to the ATF.

- The Obama Administration requested an increase of $36 million for the ATF to hire 80 additional special agents and 120 industry operations investigators. According to the Obama Administration, the additional special agents would work to enforce existing federal firearms laws, arrest violent criminals, prevent firearms from being transferred to people who cannot legally own them, and enhance ATF's ability to perform its regulatory duties. The additional industry operations investigators would carry out investigations and regulatory enforcement on federal firearms licensees.

[6] U.S. Department of Justice, *FY2017 Budget Request, Enhancing Public Safety*, fact sheet, p. 1, https://www.justice.gov/jmd/file/820801/download.

- The Obama Administration requested an increase of $4 million to enhance the operation of the National Integrated Ballistics Information Network (NIBIN).[7] The requested funding would have been used to hire additional personnel (eight positions) and upgrade the ATF's ballistic imaging hardware and software.
- The Obama Administration proposed an increase of $6 million to fill 22 positions to help process Federal Firearms Licenses (FFL) and Federal Explosives Licenses (FEL), support processing of National Firearms Act (NFA) applications, and support the expansion of gun trace data by the ATF and other federal, state, and local law enforcement agencies.
- The Obama Administration requested $9 million for the ATF's Next Generation Case Management system, which would integrate and streamline the agency's disparate case management systems.

The joint explanatory statement to accompany P.L. 115-31 is largely silent as to whether Congress supported any of the Obama Administration's proposals. The statement notes that FY2017 funding for the ATF is to "be used for inflationary cost adjustments, to maintain current staffing levels, and to improve services." The statement does not specify what would constitute "improving services."

The Obama Administration also requested an increase of $35 million for the FBI to help it keep pace with an increase in the number of requested firearms background checks. The joint explanatory statement does not state whether Congress funded the Obama Administration's request, but Congress requires the FBI to "support fully the programs of the Criminal Justice Information Services Division, including the National Instant Criminal Background Check System."

## Efforts to Combat Violent Crime

As a part of its request for DOJ, the Obama Administration sought $39 million in increased funding to support federal, state, and local efforts to apprehend violent fugitives and pursue transnational criminal organizations. Specifically, the Administration requested

- $11 million for the U.S. Marshals to establish a new Regional Fugitive Task Force (RFTF) and to enhance existing RFTFs;
- $10 million for the U.S. Marshals to backfill existing U.S. Deputy Marshals positions to focus on violent fugitive apprehension;
- $10 million to help the U.S. Marshals replace body armor, radios, fleet vehicles, light armored vehicles, and electronic surveillance equipment and support the U.S. Marshal's Special Operations Group's[8] annual selection, specialty and mandatory recertification training, and related equipment;
- $7 million for the FBI to create a consolidated Transnational Organized Criminal (TOC) Watchlist and to formalize the TOC screening process; and
- $2 million for investigation and prosecutorial costs associated with Organized Crime Drug Enforcement Task Force (OCDETF) efforts to target high-value priority TOC targets.

[7] The NIBIN enables law enforcement agencies to share computerized images of bullets and cartridge casings recovered by law enforcement, including crime scene evidence.

[8] The Special Operations Group is the U.S. Marshals designated tactical team.

The explanatory statement to accompany P.L. 115-31 was silent as to whether Congress provided additional funding for the Obama Administration's proposed USMS, FBI, and OCDFT programs to combat violent crime. Congress did require the Marshals to "employ USMS and DOJ resources to expand the regional fugitive task force program" with existing funding.

In addition, the Obama Administration requested a $5 million appropriation under the State and Local Law Enforcement Assistance account for the Violence Reduction Network, which encourages cities to develop data-driven, evidence-based strategies to reduce violence by consulting directly with and receiving coordinated training and technical assistance from multiple DOJ components. Congress declined to provide funding for this initiative.

## Combating Violent Extremism

The Obama Administration requested $17 million to help combat violent extremism (CVE). These funds were intended to support efforts to deter radicalization and violent extremism within the United States through locally driven prevention and intervention efforts and research.[9] The request included

- $3 million for COPS grants to help law enforcement agencies partner with local residents, business owners, community groups, and other stakeholders to build resilience against violent extremism;
- $6 million for a grant program to support the development of flexible, locally developed, community-led CVE models;
- $4 million for research to better understand violent extremism and develop evidence-based strategies for effective prevention and intervention;
- $2 million to provide training and technical assistance to support state, local, and tribal efforts to counter violent extremism; and
- $2 million to hire 10 Community Resilience Coordinators in 10 U.S. Attorneys' offices that are currently, or will be, participating in community resilience initiatives.

Congress did not provide funding for any of the proposed CVE grant, research, or training and technical assistance programs. The explanatory statement to accompany P.L. 115-31 was silent as to whether the committee provided funding for the U.S. Attorneys to hire 10 Community Resilience Coordinators.

## Cybersecurity

The Obama Administration requested an $85 million increase for the FBI to enhance its ability to investigate cybercrime incidents. The increased funding would have been used to purchase updated and sophisticated information technology (IT) hardware and software, and hire contractors to expand the FBI's offensive and defensive cyber operations. Funding would also have been used to provide cyber-related training for the FBI's workforce.

The Obama Administration also requested $20 million for grants to help state and local governments enhance their efforts to combat economic, high-technology, and Internet crimes, including the intellectual property crimes of counterfeiting and piracy.

[9] U.S. Department of Justice, *FY2017 Budget Request, National Security*, fact sheet, p. 2, https://www.justice.gov/jmd/file/822376/download.

Finally, the Obama Administration requested $34 million for a cybersecurity and insider threat program. The funding would have been used to build and sustain additional capacity to protect the DEA's classified and sensitive information systems from threats that could affect DEA operations. The request also included funding to continue DOJ's efforts to protect the department's networks from both outside attacks and insider threats, including a DOJ insider threat tools and analysis hub, expansion of continuous monitoring coverage, and completion of a consolidated Security Operations Center.

In the explanatory statement to accompany P.L. 115-31, Congress states that the FBI, with the funding provided, "is expected to enhance its investigative and intelligence efforts related to ... cyber threats, to include strengthening the Cyber Division." Report language also states that with the funding provided for the Justice Information Sharing Technology account, DOJ "is expected to pursue initiatives for continuous monitoring for information security and insider threat prevention and detection." Congress also provided $13 million under the State and Local Law Enforcement Assistance account for a grant program to help combat economic, high-tech, white-collar, and cyber crime.

## Expanding Reentry Efforts

For FY2017, the Obama Administration requested an increase of $91 million for BOP reentry-related programs. The FY2017 request for the BOP included

- $56 million to expand the number of beds in Residential Reentry Centers (i.e., halfway houses),
- $5 million for programs to help inmates strengthen familial bonds,
- $20 million to expand education programs, and
- $10 million to expand vocational education programs.

The Obama Administration also requested an increase of $89 million to provide enhanced physical and mental health services to inmates. The request included

- $20 million to enhance the BOP's abilities to treat inmates with serious mental health problems and reduce the use of restrictive housing,
- $1 million to expand a medication-assisted treatment pilot program for inmates with substance abuse issues,
- $2 million to expand the BOP's sex offender management program,
- $14 million for additional Hepatitis C treatment,
- $10 million to increase the number of mental health staff, and
- $43 million to increase the provision of cognitive behavioral treatment at Residential Reentry Centers.

Congress did not specify in the explanatory statement to accompany P.L. 115-31 whether it provided any of the funding for the initiatives proposed by the Obama Administration.

In addition to the requested funding for the BOP's initiatives, the Obama Administration also requested $100 million for grant programs authorized under the Second Chance Act of 2007 (P.L. 110-199) and other reentry-related grant programs, and $14 million for the Residential Substance Abuse Treatment (RSAT) grant program. Congress appropriated $68 million for the Second Chance Act and $14 million for RSAT.

## Efforts to Enhance Community Trust in Law Enforcement

The Obama Administration requested funding for several initiatives it believed would help promote community trust in law enforcement. The Obama Administration believed that building trust between police and citizens and fostering law enforcement legitimacy is the foundational principle underlying the nature of relations between law enforcement agencies and the communities they serve.[10] Further, the Obama Administration asserted that the public confers legitimacy only on those whom they believe are acting in procedurally just ways and law enforcement cannot build community trust if it is seen as an occupying force coming in from outside to impose control on the community. The Obama Administration's request included

- $30 million for grants to help law enforcement agencies purchase body-worn cameras (BWCs);
- $20 million for DOJ's Smart Policing program, an initiative that seeks to reduce crime and promote better police-citizen communications and interactions;
- $20 million for a new grant program that will implement and test strategies to enhance procedural justice, reduce implicit bias,[11] and support racial reconciliation in 10 pilot sites;
- $20 million to support the COPS Office's Collaborative Reform Initiative;[12] and
- $229 million for the COPS hiring program, which included $5 million to promote diversity in policing.

Congress appropriated $65 million under the State and Local Law Enforcement Assistance account for a Community Trust Initiative, which includes $23 million to support BWC programs, $25 million for justice reinvestment initiatives, and $18 million for the Byrne Criminal Justice Innovation program. Congress also included set-asides from the Edward Byrne Memorial Justice Assistance Grant (JAG) program of $5 million for a Smart Policing Initiative and $3 million for a national training center to improve police-based responses to individuals with mental illness. Congress provided $195 million for the COPS hiring program, of which $10 million is for the Collaborative Reform Initiative. Congress declined to fund the Obama Administration's proposal to use $5 million in hiring funds for promoting diversity in policing. Congress also did not adopt the Obama Administration's proposal for $20 million for a program to implement and test strategies to enhance procedural justice, reduce implicit bias, and support racial reconciliation.

## Efforts to Combat Drug Trafficking

For FY2017, the Obama Administration requested $12 million the DEA to create four new heroin enforcement groups. Currently, the DEA does not maintain any enforcement groups that

[10] U.S. Department of Justice, *FY2017 Budget Request, Building Community Trust*, fact sheet, p. 1, https://www.justice.gov/jmd/file/820796/download.

[11] "Implicit bias" is a bias in judgment and/or behavior that results from subtle cognitive processes (e.g., implicit attitudes and implicit stereotypes) that often operates at a level below conscious awareness and without intentional control. National Center for State Courts, "Helping Courts Address Implicit Bias: Frequently Asked Questions," p. 1, http://www.ncsc.org/~/media/Files/PDF/Topics/Gender%20and%20Racial%20Fairness/Implicit%20Bias%20FAQs%20rev.ashx.

[12] Under the initiative, the COPS Office partners with law enforcement agencies to provide assistance on a wide variety of criminal justice issues, from use-of-force practices and the deployment of crisis intervention teams, to building trust with the communities served. The program provides assistance to agencies in enhancing and improving their policies and procedures, systems, and cultures.

specifically target heroin. In the explanatory statement to accompany P.L. 115-31, Congress notes that it provided funding for the DEA to establish four new heroin enforcement groups.

The Obama Administration also sought a $4 million increase for increasing attorney and support staff in U.S. Attorneys' offices to assist with the growing number of OCDETF drug and firearm trafficking cases along the Southwest border. The joint explanatory statement to accompany P.L. 115-31 is silent as to whether the act provides funding for this purpose; however, the report notes that Congress expects DOJ to enhance efforts to combat drug trafficking, including opioids and prescription drugs.

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