Congressional Research Service
Informing the legislative debate since 1914

FY2018 Appropriations for the Department of Justice

Updated May 2, 2018

Congressional Research Service
https://crsreports.congress.gov
R44938

CRS REPORT
Prepared for Members and
Committees of Congress

Summary

The Department of Justice (DOJ) was established in 1870 with the Attorney General as its leader. Since its creation, DOJ has added additional agencies, offices, boards, and divisions to its organizational structure. DOJ, along with the judicial branch, operates the federal criminal justice system. The department enforces federal criminal and civil laws, including antitrust, civil rights, environmental, and tax laws. 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), it investigates terrorism, organized and violent crime, illegal drugs, and gun and explosives violations, among others. Through the U.S. Marshals Service (USMS), it protects the federal judiciary, apprehends fugitives, and oversees the detention of alleged offenders 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) houses individuals accused or convicted of federal crimes. 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.

The Consolidated Appropriations Act, 2017 (P.L. 115-31) appropriated $28.962 billion for DOJ. The act provided $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 $6.739 billion) was for DOJ's other offices, such as the U.S. Attorneys Offices, the Executive Office for Immigration Review, and the Attorney General's office.

The Trump Administration requested $28.205 billion for DOJ for FY2018. This amount was 2.6% less than the FY2017 enacted appropriation. The Administration proposed reductions for several DOJ accounts, including a $232 million (-2.6%) reduction for the FBI, a $340 million (-26.6%) reduction for State and Local Law Enforcement Assistance, and a $21 million (-8.3%) reduction for Juvenile Justice Programs. While the Administration's FY2018 budget request included several reductions for DOJ accounts, it also included several increases, including an additional $22 million (+1.1%) for the Office of the United States Attorneys, an $82 million (+5.6%) increase for the USMS's Federal Prisoner Detention account, a $76 million (+1.1%) increase for BOP's Salaries and Expenses account, and a $61 million (+2.9%) increase for the DEA.

The House-passed bill (H.R. 3354) would have included $29.310 billion for DOJ, which was 1.2% greater than the FY2017 enacted appropriation and 3.5% greater than the Administration's request.

The Senate committee-reported bill (S. 1662) would have included $29.068 billion for DOJ, which was 0.4% greater than the FY2017 enacted appropriation and 2.6% greater than the Administration's request.

For FY2018, DOJ received a total of $30.384 billion in funding through the annual appropriations process, which included $30.299 billion in regular and $85 million in emergency-designated funding. Total FY2018 funding for the department is 4.9% greater than the FY2017 appropriation (4.6% greater without emergency-designated funding) and 7.3% greater than the Administration's request (7.0% greater without emergency-designated funding). Nearly every DOJ account was funded at a level higher than the FY2017 enacted appropriation and the Administration's request.

Contents

Overview of DOJ's Accounts 1
General Administration 1
Salaries and Expenses 1
Justice Information Sharing Technology 1
Executive Office for Immigration Review 2
Office of the Inspector General (OIG) 2
U.S. Parole Commission 2
Legal Activities 2
U.S. Marshals Service (USMS) 2
National Security Division (NSD) 3
Interagency Law Enforcement 3
Federal Bureau of Investigation (FBI) 3
Drug Enforcement Administration (DEA) 3
Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) 4
Federal Prison System (Bureau of Prisons, BOP) 4
Office on Violence Against Women (OVW) 4
Office of Justice Programs (OJP) 4
Research, Evaluation, and Statistics 4
State and Local Law Enforcement Assistance 4
Juvenile Justice Programs 5
Public Safety Officers Benefits Program (PSOB) 5
Office of Community Oriented Policing Services (COPS) 5
The Crime Victims Fund (CVF) 5
FY2017 Enacted Appropriations 5
FY2018 Administration's Request 5
The House-Passed Bill (H.R. 3354) 7
The Senate Committee-Reported Bill (S. 1662) 7
FY2018 Enacted Appropriations (P.L. 115-141) 7
Select Funding Proposals 11
National Security 11
Violent Crime 12
The Opioid Epidemic 13
Transnational Organized Crime 14
Enforcing Immigration Laws 15

Tables

Table 1. DOJ Appropriations, FY2017 and FY2018 8

Contacts

Author Information 16

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 added additional agencies, components, offices, boards, and divisions to its organizational structure. DOJ, along with the judicial branch, operates the federal criminal justice system. The department enforces federal criminal and civil laws, including antitrust, civil rights, environmental, and tax laws. 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), it investigates terrorism, organized and violent crime, illegal drugs, and gun and explosives violations, among others. Through the U.S. Marshals Service (USMS), it protects the federal judiciary, apprehends fugitives, and detains alleged offenders who are not granted pretrial release. DOJ investigates and prosecutes individuals accused of violating federal laws, and it represents the U.S. government in court. DOJ's Bureau of Prisons (BOP) houses individuals accused and convicted of federal crimes. 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.

This report describes actions taken by the Administration and Congress to provide FY2018 funding for DOJ. It also provides an overview of some of the funding proposals put forth by the Administration in its FY2018 budget request for DOJ.

Overview of DOJ's Accounts

Each of DOJ's accounts are usually funded as a part of the annual Commerce, Justice, Science, and Related Agencies (CJS) appropriations act.[2]

General Administration

Accounts under the General Administration heading provide 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, offices, boards, and divisions are coordinated, economical, and efficient.

Salaries and Expenses

The Salaries and Expenses account supports the Attorney General and senior DOJ leadership as they manage DOJ's resources and formulate policies for legal, law enforcement, and criminal justice activities.

Justice Information Sharing Technology

The Justice Information Sharing Technology account provides funding for DOJ's information technology programs.

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

[2] For more information on CJS appropriations, see CRS Report R44877, *Overview of FY2018 Appropriations for Commerce, Justice, Science, and Related Agencies (CJS)*.

Executive Office for Immigration Review

In FY2017, Congress and the President changed the title of the Administrative Review and Appeals account to the Executive Office for Immigration Review (EOIR) account. Funding for the Pardon Attorney, which was previously part of the Administrative Review and Appeals account, was moved to the General Legal Activities account.

The EOIR is responsible for the review and adjudication of immigration cases, in coordination with the Department of Homeland Security (DHS).

Office of the Inspector General (OIG)

The OIG account supports efforts to detect and deter waste, fraud, and abuse involving DOJ programs and personnel; promote economy and efficiency in DOJ operations; and investigate allegations of departmental misconduct.

U.S. Parole Commission

The U.S. Parole Commission account supports the commission's mission to adjudicate parole requests for prisoners who are serving felony sentences for federal and District of Columbia criminal 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.

These subaccounts support 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 the activities of several DOJ divisions (tax, criminal, civil, environment and natural resources, legal counsel, civil rights, INTERPOL,[3] and dispute resolution).

Via this account, Congress and the President also establish a limit on how much can be spent from the Assets Forfeiture Fund to cover certain authorized expenses.

U.S. Marshals Service (USMS)

The USMS account supports 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, oversees the detention of alleged offenders pretrial, and seizes forfeited property.[4]

---

[3] "INTERPOL" is a contraction of "international police." The organization's official name is ICPO—INTERPOL, and "ICPO" stands for "International Criminal Police Organization."

[4] Under the Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 113-6), Congress eliminated funding

National Security Division (NSD)

The NSD account supports the coordination of DOJ's national security and terrorism missions. The NSD was established in DOJ in response to the recommendations of the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (WMD Commission), and authorized by Congress and the President in the USA PATRIOT Improvement and Reauthorization Act of 2005 (P.L. 109-177, enacted March 9, 2006). Under the NSD, the Office of Intelligence Policy and Review and the Criminal Division's Counterterrorism and Counterespionage Sections' resources were consolidated to coordinate the department's 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 12 task forces, this program combines the expertise of federal agencies with those of state and local law enforcement to disrupt and dismantle major narcotics trafficking and money laundering organizations. The DOJ agencies, divisions, and offices that participate in OCDETF are the DEA, FBI, ATF, USMS, the Tax and Criminal Divisions of DOJ, and U.S. Attorneys. Other agencies participating in OCDETF are U.S. 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 FBI account supports 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, local, 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 DEA account supports the only single-mission federal agency tasked with enforcing the nation's controlled substance laws, reducing the availability and abuse of illicit drugs, and preventing 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 federal efforts to counter drug-related violence by focusing on the convergent threats of illegal drugs, drug-related violence, and terrorism. The DEA also has an active role in the Prescription Drug Abuse Prevention Plan through the targeting of improper prescribing practices and promoting proper disposal of unused prescription drugs.

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.

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

The 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)

BOP was established in 1930, and its account supports the housing of federal inmates, professionalization of the prison service, and the 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 to 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.[5] 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)

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

Office of Justice Programs (OJP)

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; the 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 related activities.

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

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

Byrne Memorial Justice Assistance Grant (JAG) program, the Drug Courts program, the State Criminal Alien Assistance Program (SCAAP), and DNA backlog reduction program.

Juvenile Justice Programs

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

Public Safety Officers Benefits Program (PSOB)

The Public Safety Officers Benefits (PSOB) program account 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 COPS account supports the awarding of grants to state, local, and tribal law enforcement agencies throughout the United States to 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 (CVF)

The 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.[6]

FY2017 Enacted Appropriations

The Consolidated Appropriations Act, 2017 (P.L. 115-31) provided a total of $28.962 billion for DOJ. The act provided $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 $6.739 billion) was for DOJ's other offices—such as the U.S. Attorneys Offices, the Executive Office for Immigration Review, and the Attorney General's office—and to support the other functions noted above.

For FY2017, appropriated funding for OVW was supplemented with a transfer from the CVF. A total of $482 million in new budget authority is available for OVW, but $326 million comes via a transfer from the CVF.

FY2018 Administration's Request

The Trump Administration requested $28.205 billion for DOJ for FY2018. The requested amount was 2.6% less than the FY2017 enacted appropriation. The Administration proposed reductions

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

for several DOJ accounts. These included a $232 million (-2.6%) reduction for the FBI, which was largely the result of a $187 million (-78.3%) reduction in the Construction account, but also a $44 million (-0.5%) reduction in the FBI's Salaries and Expenses account. The Administration also proposed reductions for the following:

- State and Local Law Enforcement Assistance (-$340 million, -26.6%),[7]
- Juvenile Justice Programs (-$21 million, -8.3%),[8] and
- Community Oriented Policing Services (-$4 million, -1.5%).

The Trump Administration's FY2018 budget request proposed transferring $445 million from the CVF to OVW, $73 million from the CVF to the State and Local Law Enforcement Assistance account, and $92 million from the CVF to the Juvenile Justice Programs account.

While the Administration's FY2018 budget request included several reductions for DOJ, it also included several proposed increases:

- The Offices of the United States Attorneys (+$22 million, 1.1%),
- The U.S. Marshals Service's Federal Prisoner Detention account (+$82 million, 5.6%),
- The National Security Division (+$5 million, +5.2%),
- Interagency Law Enforcement (+$9 million, +1.7%),
- The Bureau of Prisons' Salaries and Expenses account (+$76 million, +1.1%),
- The Drug Enforcement Administration (+$61 million, +2.9%),
- The Bureau of Alcohol, Tobacco, Firearms, and Explosives (+$15 million, +1.2%), and
- The Executive Office for Immigration Review (+$60 million, +13.9%).

The Trump Administration proposed eliminating 11,523 positions and 3,587 full-time equivalents (FTEs)[9] across DOJ. The reductions were a part of a "workforce rightsizing initiative" ordered by Attorney General Sessions. The reductions would have come through attrition and "administrative savings" (-2,125 positions and -2,084 FTEs), and through eliminating "funded but unfilled" positions and FTEs (-9,398 positions and -1,503 FTEs). The majority of eliminated positions and FTEs would have come from the FBI (-2,095 positions and -1,843 FTEs), DEA (-1,350 positions and no FTEs), USMS (-612 positions and -94 FTEs), BOP (-6,132 positions and -846 FTEs), and General Legal Activities (-587 positions and -129 FTEs). These reductions would have established a new staffing baseline for DOJ's current services.[10]

[7] The proposed reduction in funding state and local law enforcement assistance takes into account the Administration's proposal to transfer $73 million from the Crime Victims Fund to the State and Local Law Enforcement Assistance account.

[8] The proposed reduction in funding juvenile justice programs takes into account the Administration's proposal to transfer $92 million from the Crime Victims Fund to the Juvenile Justice Programs account.

[9] An FTE represents one person working full time for one year. An FTE can represent one position, assuming that the person in that position worked full time for a full year. An FTE can also account for multiple positions (e.g., two people working half time for a full year). In addition, a position might not account for a full FTE, such as when someone is hired to work full time but is hired halfway through the fiscal year.

[10] "Current services" reflects the appropriation an agency would need to continue to provide the same level of service in the upcoming fiscal year as it does in the current fiscal year. Current services reflects the previous fiscal year's appropriation plus any base adjustments, which can include increases (e.g., inflationary costs) or reductions (e.g., removal of one-time costs). The current fiscal year budget request reflects current services plus any program increases

The House-Passed Bill (H.R. 3354)

H.R. 3354, an omnibus appropriations measure that the House passed on September 14, 2017, would have provided $29.310 billion for DOJ, 3.5% more than the Administration's request and 1.2% more than the FY2017 enacted appropriation. Compared to the FY2017 enacted appropriation, the House-passed bill included an $88 million (+3.2%) increase for the USMS, a $54 million (+2.6%) increase for the DEA, and a $36 million+ (2.8%) increase for the ATF. There were also increases for the Offices of the U.S. Attorneys (+$22 million, +1.1%) and BOP (+$26 million, +0.4%) related to the FY2017 enacted appropriations. The bill would have reduced funding overall for the FBI by $139 million (-1.6%) relative to the FY2017 enacted appropriation, but this is due to a $187 million (-78.3%) reduction in the FBI's Construction account. The House bill would have increased funding for the FBI's Salaries and Expenses account.

The House also declined to adopt the Administration's proposal to supplement appropriations from the General Fund of the Treasury for the Office on Violence Against Women, State and Local Law Enforcement Assistance, and Juvenile Justice Programs accounts with transfers from the Crime Victims Fund.

The Senate Committee-Reported Bill (S. 1662)

The bill reported by the Senate Committee on Appropriations would have provided $29.068 billion for DOJ, 2.6% more than the Administration's request and 0.4% more than the FY2017 enacted appropriation.

The Senate Committee on Appropriations would have funded most DOJ accounts at or above the FY2017 enacted level. The committee-reported bill included a $108 million (+4.0%) increase for the USMS, a $13 million (+0.6%) increase for the DEA, a $15 million (+1.2%) increase for the ATF, and a $22 million (+1.1%) increase for the Offices of the U.S. Attorneys relative to the FY2017 enacted level. The committee proposed reducing overall funding for the FBI (-$19 million, -0.2%), though this is the result of an $84 million reduction in the FBI's Construction account. Like the House bill, the Senate committee-reported bill would have increased funding for the FBI's Salaries and Expenses account relative to the FY2017 enacted appropriation. The committee-reported bill would have also reduced funding for the State and Local Law Enforcement Assistance account (-$109 million, -8.6%) relative to the FY2017 enacted level.

The Senate Committee on Appropriations largely declined to adopt the Administration's proposal to supplement funding for several grant accounts with transfers from the Crime Victims Fund. However, the committee-reported bill includes a transfer of $379 million from the Crime Victims Fund to the Office on Violence Against Women.

FY2018 Enacted Appropriations (P.L. 115-141)

For FY2018, DOJ received a total of $30.384 billion in funding, which included $30.299 billion in regular appropriations provided in the Consolidated Appropriations Act, 2018 (Division B, P.L. 115-141) and $85 million in emergency-designated funding provided in the Further Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2018 (P.L. 115-123). Total FY2018 funding for the department is 4.9% greater than the FY2017 appropriation (4.6% greater

(e.g., requests for additional personnel) or minus any program offsets (e.g., rescissions of prior fiscal year unobligated balances).

without emergency-designated funding) and 7.3% greater than the Administration's request (7.0% greater without emergency-designated funding).

Nearly every DOJ account was funded at a level above the FY2017 enacted appropriation and the Administration's request, though there were a few exceptions. The FY2018 appropriation for the General Legal Activities account was $2 million less (-0.2%) than the Administration's request while the appropriation for the Research, Evaluation, and Statistics account was $21 million less (-18.9%) than the Administration's request. However, the latter was largely the result of funding for the Regional Information Sharing System (RISS) program being provided under the COPS account. The Administration requested funding for RISS under the Research, Evaluation, and Statistics account.

For FY2018, all funding for the Office on Violence Against Women ($492 million) is provided by a transfer from the CVF. Congress did not adopt the Administration's proposal to supplement appropriations from the General Fund of the Treasury for the State and Local Law Enforcement Assistance and Juvenile Justice Programs accounts with transfers from the CVF.

The House and Senate committee reports and the joint explanatory statement to accompany the Consolidated Appropriations Act were silent as to the Administration's workforce rightsizing initiative.[11] However, the explanatory statement notes that any CJS agency that "plans a reduction-in-force shall notify the [House and Senate Appropriations Committees] by letter no later than 30 days in advance of the date of any such planned personnel action."[12]

Table 1 summarizes and compares the FY2017 appropriations, the President's FY2018 budget request, and the House-passed, Senate committee-reported, and enacted FY2018 appropriations for DOJ.

The amounts in **Table 1** reflect only new funding made available at the start of the fiscal year. Therefore, the amounts do not include any rescissions of unobligated or deobligated balances that may be counted as offsets to newly enacted appropriations, nor do they include any scorekeeping adjustments (e.g., the budgetary effects of provisions limiting the availability of the balance in the Crime Victims Fund).

Table 1. DOJ Appropriations, FY2017 and FY2018

Budget authority in millions of dollars

Account	FY2017 Enacted	FY2018 Administration's Request	FY2018 House-Passed	FY2018 Senate Committee-Reported	FY2018 Enacted
General Administration	$676.7	$741.6	$671.5	$737.8	746.8
General Administration	(145.1)	(144.9)	(75.4)	(144.9)	(149.0)
Salaries and Expenses	*(114.1)*	*(114.0)*	*(44.5)*	*(114.0)*	*(114.0)*
Justice Information Sharing Technology	*(31.0)*	*(30.9)*	*(30.9)*	*(30.9)*	*(35.0)*
Administrative Review and Appeals	—	(501.4)	—	—	—

[11] The explanatory statement notes that "[r]eport language included in House Report 115–231 (''the House report'') or Senate Report 115–139 (''the Senate report'') that is not changed by this explanatory statement or this Act is approved. The explanatory statement, while repeating some language for emphasis, is not intended to negate the language referred to above unless expressly provided herein." See, *Congressional Record*, vol. 164 (March 22, 2018), p. H2084.

[12] Ibid.

Account	FY2017 Enacted	FY2018 Administration's Request	FY2018 House-Passed	FY2018 Senate Committee-Reported	FY2018 Enacted
Executive Office for Immigration Review	—	*(496.4)*	—	—	—
Office of the Pardon Attorney	—	*(5.0)*	—	—	—
Executive Office for Immigration Review	(436.0)	—	(500.5)	(496.4)	(500.5)
Office of the Inspector General	(95.6)	(95.3)	(95.6)	(96.5)	(97.3)
U.S. Parole Commission	13.3	13.3	13.0	13.3	13.3
Legal Activities	3.353.8	3,149.6	3,400.6	3,403.1	3,386.6
General legal activities	(897.5)	(899.0)	(897.5)	(897.5)	(897.5)
United States Attorneys	(2.035.0)	(2,057.3)	(2,057.3)	(2,057.3)	(2,136.8)
Antitrust Division	(165.0)	(164.7)	(164.0)	(165.0)	(165.0)
Offsetting Fee Collections (Antitrust Division)	(-125.0)	(-112.7)	(-126.0)	(-126.0)	(-126.0)
U.S. Trustee Program	(225.9)	(225.5)	(225.0)	(225.9)	(225.9)
Offsetting Fee Collections (U.S. Trustee Program)	(-163.0)	(-112.7)	(-135.0)	(-135.0)	(-231.0)
New fees for U.S. Trustee Program[a]	—	(-289.0)	—	—	—
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	(15.5)	(14.4)	(15.0)	(15.5)	(15.5)
Assets Forfeiture Fund[b]	(20.5)	(21.5)	(10.5)	(20.5)	(20.5)
Vaccine Injury Compensation Trust Fund	(10.0)	(9.3)	(10.0)	(10.0)	(10.0)
U.S. Marshals Service	2,713.5	2,803.0	2,801.0	2,821.0	2,903.4
Salaries and Expenses	(1,249.0)	(1,252.0)	(1,255.0)	(1,270.0)	(1,314.0[c])
Construction	(10.0)	(15.0)	(10.0)	(15.0)	(53.4)
Federal Prisoner Detention	(1,454.4)	(1,536.0)	(1,536.0)	(1,536.0)	(1,536.0)
National Security Division	96.0	101.0	100.0	101.0	101.0
Interagency Law Enforcement	517.0	526.0	526.0	517.0	542.9
Federal Bureau of Investigation	9,006.4	8,774.7	8,866.6	(8,987.2)	9,421.4
Salaries and Expenses	(8,767.2)	(8,722.9)	(8,814.7)	(8,832.2)	(9,051.4[d])
Construction	(420.2)	(51.9)	(51.9)	(155.0)	(370.0)
Transfer of Balances from the Working Capital Fund	*(-181.0)*	—	—	—	—
Drug Enforcement Administration	2,103.0	2,164.1	2,157.1	2,115.8	2,201.8[e]

Account	FY2017 Enacted	FY2018 Administration's Request	FY2018 House-Passed	FY2018 Senate Committee-Reported	FY2018 Enacted
Bureau of Alcohol, Tobacco, Firearms, and Explosives	1,258.6	1,273.8	1,293.8	1,273.8	1,293.8
Federal Prison System	7,141.5	7,200.9	7,167.4	7,142.9	7,328.3
Salaries and Expenses	(7,008.8)	(7,085.2)	(7,069.7)	(7,080.2)	(7,130.0[f])
Construction	(130.0)	(113.0)	(95.0)	(60.0)	(195.6[g])
Limitation on Administrative Expenses, Federal Prison Industries	(2.7)	(2.7)	(2.7)	(2.7)	(2.7)
Office on Violence Against Women	155.5[h]	35.0[i]	527.5	104.5[j]	—[k]
Office of Justice Programs	1,705.8	1,204.3	1,555.3	1,624.3	2,169.3
Research, Evaluation, and Statistics	(89.0)	(111.0)	(83.0)	(85.0)	(90.0)
State and Local Law Enforcement Assistance	(1,280.5[l])	(867.5[m])	(1,188.5)	(1,171.0)	(1,680.0)
Juvenile Justice Programs	(247.0)	(137.5[n])	(175.5)	(260.0)	(282.5)
Public Safety Officers Benefits	(89.3)	(88.3)	(108.3)	(108.3)	(116.5)
Community Oriented Policing Services	221.5	218.0	240.5	226.5	275.5
Obligation Cap on the Crime Victims Fund (CVF)	2,573.0	3,000.0	4,632.0	3,636.0	4,436.0
Offsetting Receipts (CVF)	-2,573.0	-3,000.0	-4,632.0	-3,636.0	-4,436.0
Total	**28,962.5**	**28,205.4**	**29,310.4**	**29,068.2**	**30,384.0**

Source: 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). The amounts for the Administration's FY2018 budget request were taken from the report to accompany H.R. 3267 (H.Rept. 115-231). The House-passed amounts were taken from the text of H.R. 3354 and H.Rept. 115-231. House-passed amounts were then adjusted for the budgetary effects of floor amendments. The Senate committee-reported amounts were taken from the report to accompany S. 1662 (S.Rept. 115-139). The FY2018 enacted amounts were taken from the joint explanatory statement to accompany P.L. 115-141, printed in the March 22, 2018, *Congressional Record* (pp. H2084-H2115).

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. This proposal was not enacted.

b. As a part of the annual Commerce, Justice, Science, and Related Agencies 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 includes $3 million in emergency-designated funding for the Marshals Service's Salaries and Expenses account.

d. This amount includes $21 million in emergency-designated funding for the Federal Bureau of Investigation's Salaries and Expenses account.

e. This amount includes $12 million in emergency-designated funding for the Drug Enforcement Administration's Salaries and Expenses account.

f. This amount includes $16 million in emergency-designated funding for the Bureau of Prisons' Salaries and Expenses account.

g. This amount includes $34 million in emergency-designated funding for the Bureau of Prisons' Buildings and Facilities account.

h. 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.

i. The Administration proposes transferring $445 million from the Crime Victims Fund to the Office on Violence Against Women.

j. The Senate committee-reported bill would transfer $379 million from the Crime Victims Fund to the Office on Violence Against Women.

k. Per P.L. 115-141, $492 million is to be transferred from the Crime Victims Fund to the Office on Violence Against Women. No additional appropriations were provided.

l. This amount includes $7 million that was appropriated for the Edward Byrne Memorial Justice Assistance Grant (JAG) program to reimburse overtime costs associated with providing security for President-elect Donald Trump. This appropriation was initially provided by the Further Continuing and Security Assistance Appropriations Act, 2017 (P.L. 114-254) and 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 (P.L. 115-31).

m. The Administration proposes transferring $73 million from the Crime Victims Fund to the State and Local Law Enforcement Assistance account.

n. The Administration proposes transferring $92 million from the Crime Victims Fund to the Juvenile Justice Programs account.

Select Funding Proposals

The Administration's annual budget submission to Congress is a reflection of its priorities. The Trump Administration has identified national security, violent crime, the opioid epidemic, transnational organized crime, and enforcing immigration laws as priorities for DOJ. These priorities coincide with issues that President Trump raised during the 2016 presidential campaign and the first few months of his Administration, including concerns about "lone wolf" terrorist attacks inspired by foreign terrorist organizations like the Islamic State, increasing violent crime in some U.S. cities, and the need for more stringent enforcement of the nation's immigration laws.

The Administration formulated its FY2018 budget request assuming FY2017 funding levels that were based on the FY2017 annualized appropriation under the continuing resolutions (CR, P.L. 114-223 and P.L. 114-254).[13] This means that requested program increases were considered relative to that CR and not the FY2017 enacted appropriation (P.L. 115-31).

National Security

The Administration requested $98 million in program increases for national security efforts at the FBI. Within the $98 million requested by the Administration, $41 million was for the FBI's efforts to combat cyber threats, $22 million was for combatting the threat of "going dark" (i.e., the inability of law enforcement to access certain data due to advancements in technology),[14] $20 million was for addressing threats posed by foreign intelligence and domestic bad actors, $8

[13] The first CR (P.L. 114-223) provided funding for DOJ at the FY2016 enacted level, minus a 0.496% rescission, until December 9, 2016. A second CR (P.L. 114-254) extended that funding level until April 29, 2017. A third CR (P.L. 115-30) extended funding levels until May 5, 2017, when the Consolidated Appropriations Act, 2017 (P.L. 115-31) was enacted. However, when the Administration submitted its FY2018 budget request to Congress the annualized funding levels for DOJ were those that were in effect under the second CR.

[14] For more on "going dark," see CRS Report R44481, *Encryption and the "Going Dark" Debate*, by Kristin Finklea.

million was for additional surveillance of FBI high-priority targets, and $7 million was for the operation and maintenance of the FBI's Biometric Technology Center.

In response, the House Committee on Appropriations noted in its report that it provided $48 million more than the FY2017 enacted appropriation for the FBI. The committee explained that the increase was necessary to help the FBI carry out its critical missions, which include supporting work on "confronting threats from foreign intelligence and insiders," and "helping the FBI stop computer intrusions, investigate cybercrime, and improve cybersecurity."[15] The committee also stated that funding for the FBI was to support the programs of the FBI's Criminal Justice Information Services Division, including the Biometric Technology Center. However, the committee did not state if it chose to fund any of the specific program increases requested by the Administration.

The Senate Committee on Appropriations noted in its report that within the funding provided for the FBI, the committee supports the requested program increases for cybersecurity activities. The committee's report was silent as to whether it supported any of the other program increases requested by the Administration.

The explanatory statement states that Congress expects the FBI to use the funding provided for FY2018 to enhance its investigative and intelligence efforts related to terrorism, national security, and cyber threats. While the explanatory statement did not say whether Congress funded any of the Administration's requested increases, FY2018 funding included a $263 million increase for the FBI's Salaries and Expenses account (not including emergency-designated funding). The enacted appropriation was $308 million more than the Administration's request.

Violent Crime

The Trump Administration requested approximately $139 million for efforts to reduce violent crime, including the following:

- $19 million to implement the recommendations of the Task Force on Crime Reduction and Public Safety.[16] Of this amount, $4 million would have been for the ATF, $6 million would be for the DEA, $4 million would be for the FBI, and $6 million would be for the USMS.
- $19 million for additional Assistant U.S. Attorneys to help prosecute violent crimes.
- $7 million for the ATF's National Integrated Ballistic Information Network (NIBIN), which allows for the capture and comparison of ballistic evidence to aid in solving violent crimes involving firearms.
- $4 million for the ATF to support advancements in technology for more accurate and timely firearm registrations.
- $9 million for the FBI to support additional personnel to conduct background checks submitted through the National Instant Criminal Background Check System (NICS).

[15] U.S. Congress, House Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, *Commerce, Justice, Science, and Related Agencies Appropriations Bill, 2018*, Report to accompany H.R. 3267, 115th Cong., 1st sess., July 17, 2017, H.Rept. 115-231 (Washington: GPO, 2017), p. 36.

[16] The task force was formed by Attorney General Sessions in response to Executive Order 13776 (*Task Force on Crime Reduction and Public Safety*).

- $70 million for the Project Safe Neighborhoods grant program under the State and Local Law Enforcement Assistance account.
- $12 million for the USMS to replace body armor, radios, fleet vehicles, light armored vehicles, and electronic surveillance equipment, and to support the U.S. Marshals' Special Operations Group's[17] annual selection, specialty and mandatory recertification training, and related equipment.

The House Committee on Appropriations' report noted that it fully funded the requested increase for the ATF's NIBIN program and additional safety equipment for deputy U.S. Marshals. The committee also stated that it provided funding for additional resources at the Office of the U.S. Attorneys for additional prosecutors to target violent crime and gang activity. The committee declined to provide $70 million for Project Safe Neighborhoods (the committee recommended $10 million). As mentioned above, the committee stated that funding for the FBI was to support the programs of the FBI's Criminal Justice Information Services Division, which includes NICS, but the committee did not state whether it provided funding for the program increases requested by the Administration. The committee's report was silent as to whether it provided funding for the other program increases requested by the Administration.

The report to accompany S. 1662 was largely silent as to whether the Senate Committee on Appropriations provided funding for the program increases requested by the Administration. For example, the committee stated that its recommended funding supports the ATF's efforts to enforce firearms laws and perform regulatory oversight, including through the NIBIN program, but the report did not state whether the committee funded the Administration's requested program increases for the ATF. The Senate Committee on Appropriations noted that it fully funded the request for the FBI's Criminal Justice Information Services, including continued improvements to NICS. On the other hand, the committee declined to provide $70 million for Project Safe Neighborhoods (the committee recommended $7 million).

The explanatory statement states that funding for the requested program increases was provided for the ATF and the USMS. The explanatory statement also states that Congress expects the FBI to adequately address increased demand for background checks for firearms purchases and improve NICS performance, including enhancing system availability, determination rates, and E-Check services. The agreement provided $20 million for Project Safe Neighborhoods instead of the $70 million requested by the Administration. The explanatory statement was silent as to funding for additional Assistant U.S. Attorneys to prosecute violent crimes and implementing the recommendations of the Task Force on Crime Reduction and Public Safety.

The Opioid Epidemic

The Trump Administration requested approximately $40 million at DOJ for efforts related to the opioid epidemic, including the following:

- $20 million for the DEA to target drug trafficking; support education and training efforts for pharmaceutical drug manufacturers, wholesalers, pharmacies, and practitioners; and support prescription drug take-back events.
- $9 million for the DEA's efforts to fight organizations engaging in the manufacture and distribution of pharmaceutical controlled substances in violation of the Controlled Substances Act.
- $9 million for heroin enforcement groups at the DEA.

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

- $3 million for the U.S. Attorneys to support a pilot program for Special Assistant United States Attorneys in "hot spots" around the country to provide additional prosecutorial support to federal criminal and civil drug diversion investigations. Funding for this program would be derived from the DEA's Diversion Control Fee Account.[18]

The House Committee on Appropriations stated in its report that it provided $15 million under the DEA's Salaries and Expenses account for enhancement of heroin enforcement activities and investigations of transnational criminal organizations involved in drug trafficking. The committee also would have provided $37 million under the DEA's Diversion Control Program for additional diversion investigators and tactical diversion squads, increasing drug take-back efforts, and increasing enforcement and analysis of new synthetic substances. Within this amount, $10 million was for the proposed U.S. Attorneys' "hot spots" pilot program.

The report from the Senate Committee on Appropriations is largely silent as to whether the committee provided any of the program increases requested by the Administration for efforts related to the opioid epidemic. However, the committee noted that while it strongly supports efforts to fight heroin and illegal opioid abuse, it does not approve of funding from the DEA's Diversion Control Program being used for the proposed "hot spots" pilot program. The committee believed that the responsibilities of the pilot program are outside of the DEA's mission and that prosecution for overprescribing and illegal diversion of opioids should be handled by the Office of the U.S. Attorneys. In its report, the committee directed DOJ to use no less than $3 million of the funding provided for the Office of the U.S. Attorneys to conduct criminal and civil prosecutions into the illegal prescribing and dispensing of opioids.

The explanatory statement states that additional funding was being provided for the DEA to "expand opioid and heroin enforcement efforts, including supporting existing heroin enforcement teams and establishing new ones; invest in the Fentanyl Signature Profiling Program and law enforcement safety; and accelerate efforts to dismantle transnational criminal organizations and cartels." The explanatory statement, by reference, also incorporates the Senate Committee on Appropriations' language regarding the proposed "hot spots" pilot program. Congress chose to provide additional direct support to the U.S. Attorneys Offices to combat opioid abuse.

Transnational Organized Crime

The Trump Administration requested approximately $19 million to target transnational organized crime (TOC), including the following:

- $6 million in additional OCDETF funding to support investigations and prosecutions that target high-priority TOC, OCDETF's heroin response strategy, and short-term deployment of federal law enforcement personnel to address violent crime.
- $7 million for the FBI to support ongoing investigations of TOC.
- $7 million for the DEA to investigate transnational criminal organizations responsible for trafficking large quantities of drugs into the country.

[18] The Controlled Substances Act authorizes the DEA to charge reasonable fees relating to the registration and control of the manufacture, distribution, dispensing, import, and export of controlled substances and listed chemicals. Fee revenues are deposited into the Diversion Control Fee Account. The fees collected are used to cover the cost of operating the Diversion Control Program.

The House Committee on Appropriations stated in its report that it provided $15 million under the DEA's Salaries and Expenses account for enhancement of heroin enforcement activities and investigations of transnational criminal organizations involved in drug trafficking. The committee also explained that funds are included under OCDEFT to support interagency task forces that target high-level drug trafficking organizations through coordinated, multijurisdictional investigations.

The report from the Senate Committee on Appropriations was silent as to whether the committee provided funding for any of the program increases requested by the Administration.

As mentioned above, the agreement provided additional funding to the DEA to help it "dismantle transnational criminal organizations and cartels." The explanatory statement also stated that additional OCDEFT funding was included to "enhance investigations and prosecutions of major drug trafficking organizations with a focus on reducing the availability of opioids." The explanatory statement was silent as to whether there was any additional funding for the FBI to specifically support investigations of TOC.

Enforcing Immigration Laws

For FY2018, the Trump Administration requested an additional $145 million for enforcing immigration laws, including the following:

- $75 million for additional EOIR immigration judges and support staff.
- $9 million for additional Deputy U.S. Marshals to provide court security and timely detainee processing.
- $50 million for additional housing, medical, and transportation costs for the USMS due to an increased detainee population resulting from expanded immigration law enforcement.
- $7 million for additional Assistant U.S. Attorneys to help prosecute offenses that are a result of expanded immigration law enforcement.
- $2 million for the Civil Division for additional personnel to defend challenges to the immigration laws, regulations, and policies.
- $2 million for the Environment and National Resources Division to help acquire real property along the Southwest border to be used to secure the border between the United States and Mexico.

The House Committee on Appropriations noted in its report that it provided $4 million more than the amount requested for EOIR. The total amount provided would have supported 449 immigration judge teams, 65 more than the number of teams funded for FY2017. The committee noted that it fully funded the requested enhancements for immigration enforcement at the Offices of the U.S. Attorneys. The committee also provided the additional funding requested for the U.S. Marshals to support border security and immigration law enforcement. The report was silent as to whether the committee provided the additional funding requested for the Civil and Environmental and Natural Resources divisions.

The Senate Committee on Appropriations was silent in its report as to whether it specifically provided funding for additional immigration judges, but it did fund the EOIR account at the level requested by the Administration. The report was silent as to whether the committee provided funding for any of the other program increases the Administration requested for immigration law enforcement.

The explanatory statement directs DOJ to hire and deploy at least 100 additional immigration judge teams, with the goal of having 484 teams nationwide by 2019. The explanatory statement was silent as to whether funding was provided for any of the Administration's requested increases.

In addition to the request for additional funding, the Administration's budget also proposed legislative language related to immigration enforcement and "sanctuary" jurisdictions that limit law enforcement participation with federal immigration enforcement activities (Section 219 of the general provisions for DOJ).

Section 219 would amend Section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (codified at 8 U.S.C. §1373) by specifying, and arguably expanding, the type of information that federal, state, and local law enforcement entities may share with the Department of Homeland Security (DHS). The bar to limitations on information sharing would cover an alien's nationality, citizenship status, immigration status, removability, scheduled release date and time (for persons in custody), home address, work address, and contact information. While current law bars limitations on information sharing for any individual, Section 219 would narrow this prohibition to exclude from the bar on information sharing individuals in custody or suspected of violating U.S. law.

Section 219 would have also required nonfederal law enforcement entities or officials to honor any lawful requests by DHS pursuant to its mandate to enforce immigration laws, including requests to detain individuals for up to 48 hours in order for DHS to obtain custody of them.

Section 219 would have allowed DHS or DOJ to condition any grant of federal funds or cooperative agreements related to immigration, national security, law enforcement, and terrorism prevention and protection on the state's or locality's compliance with the provisions that bar limitations on information sharing. It would have also allowed DOJ and DHS to require state and local law enforcement agencies to honor DHS requests specified in Section 219 as a condition of grant funding. DHS or DOJ could have required that such grant and cooperative agreement applicants certify, as prescribed by DHS or DOJ, that they would comply with such conditions in their applications.

Section 219 would also have allowed DHS or DOJ to enforce the above provisions through any lawful means.

The Consolidated Appropriations Act, 2018 did not include the proposed Section 219.

Author Information

Nathan James
Analyst in Crime Policy

Key Policy Staff

Area of Expertise	Name
ATF, firearms trafficking, federal firearms law.	William J. Krouse

Area of Expertise	Name
Cybersecurity, cybercrime, juvenile justice, inter-agency law enforcement.	Kristin Finklea
Violence against women programs, crime victims assistance, DEA, FBI.	Lisa N. Sacco
U.S. Marshals, BOP, grants for state and local law enforcement and corrections, general DOJ appropriations.	Nathan James

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS's institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.