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FY2017 Appropriations for the Department of Justice

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Summary

The Department of Justice (DOJ) provides legal advice and opinions, upon request, to the President and executive branch department heads. DOJ prosecutes individuals accused of violating federal laws and it represents the U.S. government in court. 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 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's Bureau of Prisons (BOP) incarcerates individuals convicted of violating federal laws. The department also provides grants and training to state, local, and tribal law enforcement agencies.

For FY2016, Congress provided a total of \$29.090 billion for DOJ. The Administration proposes a 2.8% increase in DOJ's funding for FY2017 (\$29.910 billion). The Administration's request includes \$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, \$7.302 billion for the BOP, and \$2.361 billion for grant programs.

The Administration's FY2017 budget request for DOJ includes 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 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 a period of incarceration, cybersecurity, and an increase in heroin addiction.

The FY2017 CJS appropriations bill reported by the Senate Committee on Appropriations (S. 2837) would provide a total of \$29.246 billion for DOJ, an amount that is 2.0% less than the Administration's request, but 0.5% greater than the FY2016-enacted appropriation. The committee largely recommends funding DOJ's account at or near the FY2016-enacted level. The Senate committee-reported bill includes \$2.713 billion for the U.S. Marshals, \$9.451 billion for the FBI, \$2.103 billion for the DEA, \$1.259 billion for the ATF, \$7.094 billion for the BOP, and \$2.270 billion for grant programs.

The House committee-reported CJS appropriations bill (H.R. 5393) would provide a total of \$29.437 billion for DOJ, an amount that is 1.2% greater than the FY2016-enacted appropriation, but 1.3% less than the Administration's request. The House committee-reported bill includes \$2.743 billion for the U.S. Marshals, \$9.078 billion for the FBI, \$2.103 billion for the DEA, \$1.258 billion for the ATF, \$7.159 billion for the BOP, and \$2.304 billion for grant programs.

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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 provides legal advice and opinions, upon request, to the President and executive branch department heads. DOJ prosecutes individuals accused of violating federal laws and it represents the U.S. government in court. 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 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’s Bureau of Prisons (BOP) incarcerates individuals convicted of violating federal laws. The department also provides grants and training to state, local, and tribal law enforcement agencies.

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. **Table 1** provides data on the FY2016 appropriations, the President’s FY2017 budget request, and the Senate and the House committee-reported amounts for these 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 collaborative efforts of DOJ agencies are coordinated to help represent the government and fight crime as efficiently as possible.

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. In addition, this account funded Law Enforcement Wireless Communications before funding for related activities was shifted to the FBI.

Administrative Review and Appeals (ARA)

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

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.

Security's (DHS's) efforts. The EOIR handles these matters, and the OPA receives and reviews petitions for executive clemency.

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 offenders 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. Congress also establishes a limit on how much can be spent from the Assets Forfeiture Fund to cover certain expenses.

The General Legal Activities account funds the Solicitor General's supervision of the department's conduct 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 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 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

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.

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 departmental 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 from DOJ 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 and the U.S. Coast Guard from the Department of Homeland Security, and the Treasury Office of Enforcement and Internal Revenue Service from the Department of the Treasury. Moreover, state and local law enforcement agencies participate in approximately 90% of all OCDETF investigations.

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 DEA continues to face evolving challenges in limiting the supply of illicit drugs as well as reducing drug trafficking from Mexico across the Southwest border into the United States. 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 Administration's 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 121 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 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, 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.

Community Oriented Policing Services (COPS)

The Community Oriented Policing Services (COPS) Office 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 largely 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 Administration proposes a 2.8% increase in DOJ's funding for FY2017 (\$29.910 billion). The Administration's request includes \$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. Of note, the Administration proposes 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 provide a total of \$29.246 billion for DOJ, an amount that is 2.0% less than the Administration's request, but 0.5% greater than the FY2016-enacted appropriation. The committee largely recommends funding DOJ's account at or near the FY2016-enacted level. A few notable exceptions include a proposed 7.4% increase for the FBI, which is largely the result of a proposed \$525 million increase (169.9%) in the FBI's Construction account to help the FBI build a new headquarters in the National Capital Region. The committee also proposes reducing the BOP's funding by 5.2% which is the result of a proposed \$417 million (78.7%) reduction in the BOP's Buildings and Facilities (B&F) account. The \$530 million Congress appropriated for BOP construction for FY2016 was the most Congress had appropriated for this purpose since FY2009. The committee also proposes supplementing discretionary appropriations for the Office on Violence Against Women with a \$379 million transfer from the Crime Victims Fund.

The House committee-reported CJS appropriations bill would provide a total of \$29.437 billion for DOJ, an amount that is 1.2% greater than the FY2016-enacted appropriation, but 1.3% less

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>.

than the Administration’s request. The House Committee on Appropriations recommends 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 is the FBI, which would receive a 3.2% increase in its appropriation. BOP’s appropriation would be reduced under the committee’s proposed funding level, but this is the result of a proposed \$390 million reduction for the BOP’s B&F account. The committee also proposed cuts for nearly all of DOJ’s grant accounts. However, the House committee-reported bill does not include a proposal to transfer funds from the Crime Victims Fund to the Office on Violence Against Women.

The House Committee on Appropriations also proposes to fund the Executive Office of Immigration Review (EOIR) and the Office of the Pardon Attorney (OPA) through separate accounts. Historically, EOIR and OPA have received their funding through the Administrative Review and Appeals account.

Table 1. DOJ Appropriations, FY2016 and FY2017

Budget authority in millions of dollars

Account	FY2016 Enacted	FY2017 Request	FY2017 Senate Committee-Reported	FY2017 House Committee-Reported	FY2017 Enacted
General Administration	\$659.0	\$714.7	\$682.5	706.4	
General Administration	(142.5)	(183.5)	(164.1)	(155.0)	
Salaries and Expenses	(111.5)	(125.9)	(114.1)	(115.0)	
Justice Information Sharing Technology	(31.0)	(57.6)	(50.0)	(40.0)	
Administrative Review and Appeals	(422.8)	(433.4)	(422.8)	—	
Executive Office of Immigration Review	—	—	—	(453.2)	
Office of the Pardon Attorney	—	—	—	(4.5)	
Office of the Inspector General	(93.7)	(97.8)	(95.6)	(93.7)	
U.S. Parole Commission	13.3	14.0	13.3	13.3	
Legal Activities	3,314.6	3,352.9	3,342.6	3,364.3	
General legal activities	(893.0)	(957.4)	(893.0)	(893.0)	
United States Attorneys	(2,000.0)	(2,074.4)	(2,030.0)	(2,050.0)	
Antitrust Division	(165.0)	(180.5)	(165.0)	(165.0)	
Offsetting Fee Collections (Antitrust Division)	(-124.0)	(-125.0)	(-125.0)	(-125.0)	
U.S. Trustee Program	(225.9)	(229.7)	(225.9)	(225.9)	
Offsetting Fee Collections (U.S. Trustee Program)	(-162.0)	(-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)	
Fees and Expenses of Witnesses	(270.0)	(270.0)	(270.0)	(270.0)	

Account	FY2016 Enacted	FY2017 Request	FY2017 Senate Committee- Reported	FY2017 House Committee- Reported	FY2017 Enacted
Community Relations Service	(14.4)	(19.0)	(14.4)	(15.5)	
Assets Forfeiture Fund ^b	(20.5)	(20.5)	(20.5)	(20.5)	
Vaccine Injury Compensation Trust Fund	(9.4)	(12.0)	(9.4)	(10.0)	
U.S. Marshals Service	2,700.0	2,789.2	2,713.5	2,743.0	
Salaries and Expenses	(1,230.6)	(1,275.2)	(1,249.0)	(1,258.0)	
Construction	(15.0)	(10.0)	(10.0)	(10.0)	
Federal Prisoner Detention	(1,454.4)	(1,504.0)	(1,454.4)	(1,475.0)	
National Security Division	95.0	97.3	95.0	97.3	
Interagency Law Enforcement	512.0	522.1	512.0	522.1	
Federal Bureau of Investigation	8,798.8	9,502.4	9,451.1	9,077.9	
Salaries and Expenses	(8,489.8)	(8,718.9)	(8,617.1)	(8,768.9)	
Construction	(309.0)	(783.5)	(834.0)	(309.0)	
Drug Enforcement Administration	2,080.0	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	
Federal Prison System	7,481.2	7,301.9	7,094.2	7,159.5	
Salaries and Expenses	(6,948.5)	(7,186.2)	(6,978.5)	(7,016.8)	
Construction	(530.0)	(113.0)	(113.0)	(140.0)	
Limitation on Administrative Expenses, Federal Prison Industries	(2.7)	(2.7)	(2.7)	(2.7)	
Office on Violence Against Women	101.0 ^c	163.0 ^d	102.5 ^e	527.5	
Office of Justice Programs	1,883.0	1,675.5	1,662.9	1,566.5	
Research, Evaluation, and Statistics	(116.0)	(154.0)	(118.0)	(93.0)	
State and Local Law Enforcement Assistance	(1,408.5)	(1,097.8)	(1,183.6)	(1,199.9)	
Juvenile Justice Programs	(270.2)	(334.4)	(272.0)	(184.3)	
Public Safety Officers Benefits	(88.3)	(89.3)	(89.3)	(89.3)	
Community Oriented Policing Services	212.0	286.0	215.0	299.0	
Obligation Cap on the Crime Victims Fund (CVF)	3,042.0	2,000.0	2,957.0	2,737.0	
Offsetting Receipts (CVF)	-3,042.0	-2,000.0	-2,957.0	-2,737.0	
Total	29,089.8	29,828.1	29,246.2	29,437.5	

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 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.

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 proposes transferring \$326 million from the Crime Victims Fund to the Office on Violence Against Women.
- e. S. 2837 includes a proposal to transfer \$379 million from the Crime Victims Fund to the Office on Violence Against Women.

Select Legislative Proposals

The Administration’s FY2017 request for DOJ includes 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 addiction.

The President’s Gun Safety Initiatives

For FY2017, the Administration requests an additional \$89 million and 230 positions to support the President’s gun safety initiatives. According to the Administration, the request would provide “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’s gun safety initiatives would go to the ATF.

- The Administration requests an increase of \$36 million for the ATF to hire 80 additional special agents and 120 industry operations investigators. Current support for this initiative is 4,250 positions and \$1.043 billion. According to the Administration, the additional special agents will 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 will carry out investigations and regulatory enforcement on federal firearms licensees.
- The Administration requests an increase of \$4 million to enhance the operation of the National Integrated Ballistics Information Network (NIBIN).⁷ The requested funding would be used to hire additional personnel (eight positions) and upgrade the ATF’s ballistic imaging hardware and software. Current support for this initiative is 27 positions and \$32 million.

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

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

- The Administration proposes using an increase of \$6 million to fill 22 positions to help process Federal Firearms Licenses (FFL) and Federal Explosives Licenses (FEL), to support processing of National Firearms Act (NFA) applications, and to support the expansion of gun trace data by the ATF and other federal, state, and local law enforcement agencies. Current support for this program is 184 positions and \$65 million.
- The Administration requests \$9 million for the ATF's Next Generation Case Management system, which will integrate and streamline the agency's disparate case management systems.

The report to accompany S. 2837 is silent as to whether the committee supported any of the Administration's proposals. In the report, the committee notes that the recommended funding for the ATF

maintains ATF's ability to enforce existing firearms laws and perform regulatory oversight and training, including the National Integrated Ballistics Information Network [NIBIN]. This will enable the ATF to continue to collect, report, and share ballistic intelligence with Federal, State, local and tribal law enforcement partners to identify, target, and disrupt violent criminals, including serial shooters. Funds will support work with State and local law enforcement agencies and laboratories to collect ballistic hit information to provide leads to Firearms Intelligence Groups for investigations and document successful prosecutions as a result of NIBIN.

The House Committee on Appropriations declined to fund the Administration's proposal. The report to accompany H.R. 5393 notes that the proposed appropriation for the ATF "provides for inflationary cost adjustments and additional funds for processing of National Firearms Act (NFA) applications. No funds are provided for additional agents or inspectors."

The Administration also requests an increase of \$35 million for the FBI to help it keep pace with an increase in the number of requested firearms background checks. Current support for this initiative is 668 positions and \$86 million.

In the report to accompany S. 2837, the committee notes that it provides up to \$121 million for the FBI to "continue improvements to the National Instant Criminal Background Check System [NICS] to increase the capacity and efficiency of the existing NICS system to perform background checks on prospective firearms buyers."

The House Committee on Appropriations does not mention in its report whether it provided the additional amount the Administration requested to help the FBI conduct more background checks, but it notes that the recommendation "supports the programs of the Criminal Justice Information Services Division, including but not limited to ... the National Instant Criminal Background Check System."

Efforts to Combat Violent Crime

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

- an increase of \$11 million for the U.S. Marshals to establish a new Regional Fugitive Task Force (RFTF) and to enhance existing RFTFs (current support for this initiative is 212 positions and \$71 million);

- an increase of \$10 million for the U.S. Marshals to backfill existing U.S. Deputy Marshals positions to focus on violent fugitive apprehension (current support for this initiative is 1,744 positions and \$411 million);
- \$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's⁸ annual selection, specialty and mandatory recertification training, and related equipment;
- an increase of \$7 million for the FBI to create a consolidated Transnational Organized Criminal (TOC) Watchlist and to formalize the TOC screening process (current support for this initiative is 184 positions and \$84 million); 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.

The Senate Committee on Appropriations recommends nearly \$8 million under the U.S. Marshals' Salaries and Expenses account to establish new RFTFs. The report to accompany the Senate committee-reported bill is silent as to whether the bill includes funding for any of the Administration's other proposed funding increases.

The report to accompany the House committee-reported bill is silent as to whether the committee provided any of the funding requested by the Administration to apprehend violent fugitives and pursue transnational criminal organizations.

The Administration requests \$5 million under the State and Local Law Enforcement Assistance account for the Violence Reduction Network, which allows 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. Neither the Senate nor the House committee-reported bills would provide funding for this initiative.

Combating Violent Extremism

The Administration requests \$17 million to help combat violent extremism (CVE). It states that it seeks to deter radicalization and violent extremism within the United States through locally driven prevention and intervention efforts and research.⁹ The request includes

- \$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 in support of state, local, and tribal efforts to counter violent extremism; and

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

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

- \$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.

The Senate Committee on Appropriations did not provide funding for any of the proposed CVE grant, research, or training and technical assistance programs. The report to accompany S. 2837 was silent as to whether the committee provided funding for the U.S. Attorneys to hire 10 Community Resilience Coordinators.

The House Committee on Appropriations did not provide funding for any of the proposed CVE programs, though it did include a \$4 million set-aside under the Edward Byrne Memorial Justice Assistance Grant (JAG) program for *domestic radicalization* research. The report to accompany H.R. 5393 was silent as to whether the committee provided funding for the U.S. Attorneys to hire 10 Community Resilience Coordinators.

Cybersecurity

The Administration requests an \$85 million increase for the FBI to enhance its ability to investigate cybercrime incidents. Current support for this initiative is 1,753 positions and \$541 million. The increased funding would be 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 be used to provide cyber-related training for the FBI's workforce.

The Administration requests \$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.

Finally, the Administration requests \$34 million for a cybersecurity and insider threat program. The funding would be used to build and sustain additional capacity to protect the DEA's classified and sensitive information system resources from threats that could affect the DEA operations. The request also includes 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 report to accompany S. 2837, the committee states that it provides a total of \$896 million for FY2017 for DOJ's cybersecurity-related activities. The amount provided is \$83 million over the FY2016-enacted appropriation.

- The committee notes in the report that it supports the requested programmatic changes for Information Security Continuous Monitoring and the Insider Threat Prevention and Detection Program by providing an \$11 million increase for this purpose under the Justice Information Sharing Technology account.
- The committee recommends no less than \$58 million for the U.S. Attorneys for cybercrime activities. The committee notes that "[t]he [U.S. Attorneys] will be able to increase the number of investigations and prosecutions of cyber attacks and cyber intrusions, and provide the high-caliber level of training on cybercrime and digital evidence needed for Assistant U.S. Attorneys to be able to analyze and present digital evidence across all types of criminal cases."
- The committee provides an \$18 million increase for cybersecurity activities throughout the FBI. In addition, the committee also provides an increase of \$43 million for the FBI's Cyber Division as part of the FBI's ongoing efforts to

“strengthen its cyber capabilities and investigations including those into ransomware attacks against institutions such as hospitals.”

- The committee supported the budget request to increase cybersecurity activities at the DEA by \$8 million.
- The Senate committee-reported bill also includes \$14 million for an economic, high-tech, and cybercrime grant program under the State and Local Law Enforcement Assistance account.

The House Committee on Appropriations is largely silent as to whether it provided funding specifically for any of the Administration’s cybersecurity proposals. In report language explaining the proposed funding for the Justice Information Sharing Technology account, the committee notes that it “supports the Department’s efforts to enhance its cybersecurity, and has therefore continued to include bill language providing the Department discretion and flexibility to transfer available Departmental funds to meet needs for IT transformation and cybersecurity, subject to the reprogramming procedures included in this Act.” The committee, in report language describing increased funding for the FBI’s Salaries and Expenses account, notes that “[t]he increase reflects funding necessary to carry out essential elements of the FBI’s mission, in particular its critical work on terrorism, national security, and cyber threats. These include supporting work on ... IT infrastructure, training and new technology challenges ... [and] helping the FBI combat intrusions, investigate cybercrime, and improve cybersecurity.” The committee did recommend \$10 million under the State and Local Law Enforcement Assistance account for a grant program to prevent white collar crime.

Expanding Reentry Efforts

For FY2017, the Administration is requesting an increase of \$91 million for reentry-related programs in the BOP (the increased funding would not add any new positions). The FY2017 request for the BOP includes

- \$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.

Current support for these programs is 1,616 positions and \$457 million.

The Administration is also requesting an increase of \$89 million and 336 positions to provide enhanced health and mental health services to inmates. The request includes

- \$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 (MAT) 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.

Current support for these programs is 787 positions and \$95 million.

The report to accompany S. 2837 is largely silent as to whether the committee provided any funding for expanding reentry efforts at the BOP. However, the committee did note that the recommended funding for the BOP includes \$1 million to expand the BOP's MAT pilot program.

The House Committee on Appropriations did not specify in its report language whether it provided funding for any of the Administration's proposals. The committee noted that it "encourages the Bureau of Prisons to make abstinence-based relapse prevention treatment options available to inmates with a history of opioid dependence."

In addition to the requested funding for the BOP's initiatives, the Administration is also requesting \$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 grant program. S. 2837 would provide \$75 million for grants under the Second Chance Act. H.R. 5393 would provide \$68 million for grants under the act.

Efforts to Enhance Community Trust in Law Enforcement

The Administration requests funding for several initiatives it believes will help promote community trust in law enforcement. The Administration believes 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 Administration asserts 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 President's request includes

- \$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 and prevent crime along with promoting 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 includes \$5 million to promote diversity in policing.

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.

The Senate committee-reported bill would provide \$70 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, \$18 million for the Byrne Criminal Justice Innovation program, and \$5 million for the national crime statistics exchange. The committee-reported bill also includes a set-aside of \$10 million from the Edward Byrne Memorial Justice Assistance Grant (JAG) program for a Smart Policing Initiative. S. 2837 would provide \$187 million for the COPS hiring program, of which \$10 million would be for the Collaborative Reform Initiative. However, the committee rejected the Administration’s proposal to use \$5 million in hiring funds for promoting diversity and policing. The committee also did not adopt the 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.

The House committee-reported bill would provide \$75 million under the Community Oriented Policing Services account for a Community Trust Initiative, which includes \$23 million to support BWC programs, \$28 million for justice reinvestment initiatives, \$15 million for the Byrne Criminal Justice Innovation program, and \$10 million for research and statistics on community trust. The committee chose not to fund any of the Administration’s other proposals.

Efforts to Combat Drug Trafficking

For FY2017, the Administration requests \$12 million for 42 new positions in the DEA to create four new heroin enforcement groups. Currently, the DEA does not maintain any enforcement groups that specifically target heroin. The Senate committee-reported bill includes \$13 million for this purpose. The House committee-reported bill would provide \$12 million for this purpose.

The Administration also seeks a \$4 million increase for 36 new positions to increase attorney and support staff in U.S. Attorneys’ offices to assist in the growing number of OCDETF drug and firearm trafficking cases along the Southwest border. Current support for this program is 116 positions and \$29 million. The reports to accompany the Senate and the House committee-reported bills are silent as to whether the committees provide funding for this purpose; however, the House report notes that the committee expects DOJ to continue to make drug trafficking a priority for federal prosecutors.

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