

CRS Report for Congress

Department of Justice (DOJ) Appropriations for FY2008 and FY2009

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**Prepared for Members and
Committees of Congress**

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Summary

Congress established the Department of Justice (DOJ) in 1870 (28 U.S.C. 501), with the Attorney General at its head. DOJ provides counsel for citizens in federal cases and protects them through law enforcement; represents the federal government in all proceedings, civil and criminal, before the Supreme Court; and provides legal advice and opinions, upon request, to the President and executive branch department heads. This report provides coverage of the FY2009 appropriations cycle for DOJ, including FY2008 supplemental appropriations.

Congress generally provides appropriations for DOJ in the annual Commerce, Justice, Science (CJS) and Related Agencies Appropriations bill. For FY2008, Congress appropriated nearly \$23,591.9 million for DOJ, or \$381.5 million more than the enacted level for FY2007. While appropriations were increased for the Federal Bureau of Investigation (FBI), funding was reduced for the Federal Prison System (Bureau of Prisons) and several other justice accounts. To cover shortfalls in the Federal Prison System account, DOJ has reportedly submitted a budget reprogramming request to Congress. Moreover, the Administration requested \$185.8 million in FY2008 supplemental funding for DOJ.

In the Iraq War Supplemental Appropriations Act, 2008 (H.R. 2642), both the House and Senate have provided additional FY2008 funding for the DOJ. The House-passed bill would provide \$407.3 million, and the Senate-passed bill would provide \$1,130.6 million. Both bills include additional funding for FBI counterterrorism (CT) operations: \$92.2 million in the House bill and \$165 million in the Senate bill. In addition, both bills would provide \$82.6 million in “bridge funding” to continue FBI CT operations in the first six months of FY2009, in the event that final appropriations may not be enacted before the end of this fiscal year. Both bills also include \$187.1 million for the Federal Prison System, as well as supplemental funding for other DOJ entities such as the U.S. Marshals Service and Drug Enforcement Administration. In addition, the Senate bill includes an additional \$590 million for state and local law enforcement assistance for FY2008.

For FY2009, the Administration’s budget request for DOJ was \$23,088.9 million. This amount is \$503 million less than the FY2008 enacted budget. In light of the House and Senate action on FY2008 supplemental funding, the FY2009 DOJ budget request may well be between \$910.3 million and \$1,633.6 million below the total level of funding that Congress might provide for FY2008. Several issues with funding implications that have arisen during FY2009 appropriations hearings include (1) continued oversight of the FBI’s greater emphasis on national security investigations as opposed to traditional crime, (2) reported spikes in violent crime in medium-sized and small cities, (3) the Administration’s proposal to further cut funding for state and local law enforcement assistance and consolidate related grant programs, (4) reported increases in drug trafficking and related violent crime on the Southwest border, (5) funding shortfalls for the Federal Prison System, and (6) the reentry of several waves of offenders whose prison sentences will soon end. This report will be updated as necessary.

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Department of Justice (DOJ) Appropriations for FY2008 and FY2009

Most Recent Developments

The President's FY2009 budget request for the Department of Justice (DOJ) is \$23,088.9 million. This amount reflects a reduction of almost \$503 million compared with the FY2008 enacted appropriation of \$23,591.9 million. The Administration has also requested another \$185.8 million for DOJ in FY2008 supplemental funding. In addition, the Administration has reportedly submitted an FY2008 budget reprogramming request to the House and Senate Committees on Appropriations that address FY2008 funding shortfalls for certain DOJ accounts, principally the Federal Prison System.¹

Congress, in turn, has recently considered legislation that would provide the DOJ with supplemental funding for FY2008, as well as "bridge funding" for FY2009. The House passed the Iraq war supplemental appropriations bill (H.R. 2642) on May 15, 2008. The House bill includes \$407.3 million in funding for DOJ. The Senate passed H.R. 2642, amended, on May 22. The Senate bill includes \$1,130.6 million for DOJ. For Federal Bureau of Investigation (FBI) counterterrorism (CT) operations, the House bill includes \$92.2 million, and the Senate bill includes \$165 million. Both bills include \$82.6 million in "bridge funding" to maintain FBI CT operations for the first six months of FY2009, in the event that final appropriations may not be enacted before the end of this fiscal year.

Both bills also include \$178 million to meet FY2008 funding shortfalls for the Federal Prison System,² as well as funding for the DOJ Office of the Inspector General, General Legal Activities, U.S. Attorneys Office, U.S. Marshals Service, Drug Enforcement Administration, and Bureau of Alcohol, Tobacco and Firearms. In addition, the Senate bill includes \$590 million to provide for additional state and local law enforcement assistance for FY2008. The House is poised to reconsider H.R. 2642 in light of the Senate-passed version of this bill, and the House Committee on Appropriations has scheduled markups of several FY2009 appropriations bills

¹ On June 5, 2008, the DOJ Office of Legislative Affairs confirmed in a conversation with CRS that there are a number of budget reprogramming requests pending with the House and Senate Committees on Appropriations. Of these requests, the largest reprogramming would shift \$240 million to the Federal Prison System from other DOJ accounts, of which the committees have approved \$109 million.

² In addition to the \$178 million, both the House- and Senate-passed FY2008 Iraq war supplemental appropriations bills include \$9.1 million for counterterrorism purposes, as requested by the Administration.

during the month of June, including the bill that funds DOJ — the Commerce, Justice, State, and Related Agencies Appropriations.³

Background

Established by an act of 1870 (28 U.S.C. 501), with the Attorney General at its head, the Department of Justice provides counsel for citizens in federal cases and protects them through law enforcement. It represents the federal government in all proceedings, civil and criminal, before the Supreme Court. In legal matters, generally, the Department provides legal advice and opinions, upon request, to the President and executive branch department heads. The major functions of DOJ agencies and offices are described below.

- *United States Attorneys* prosecute criminal offenses against the United States, represent the federal government in civil actions, and initiate proceedings for the collection of fines, penalties, and forfeitures owed to the United States.
- *United States Marshals Service* provides security for the federal judiciary, protects witnesses, executes warrants and court orders, manages seized assets, detains and transports unsentenced prisoners, and apprehends fugitives.
- *Federal Bureau of Investigation (FBI)* investigates violations of federal criminal law; helps protect the United States against terrorism and hostile intelligence efforts; provides assistance to other federal, state, and local law enforcement agencies; and shares jurisdiction with Drug Enforcement Administration (DEA) over federal drug violations.
- *Drug Enforcement Administration (DEA)* investigates federal drug law violations; coordinates its efforts with state, local, and other federal law enforcement agencies; develops and maintains drug intelligence systems; regulates legitimate controlled substances activities; and conducts joint intelligence-gathering activities with foreign governments.
- *Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)* enforces federal law related to the manufacture, importation, and distribution of alcohol, tobacco, firearms, and explosives. It was transferred from the Department of the Treasury to the Department of Justice by the Homeland Security Act of 2002 (P.L. 107-296).
- *Federal Prison System* provides for the custody and care of the federal prison population, the maintenance of prison-related

³ Liriel Higa and Chuck Conlon, “Appropriations Markups Begin Next Week in House,” *CQ Today Online News*, June 3, 2008.

facilities, and the boarding of sentenced federal prisoners incarcerated in state and local institutions.

- *Office on Violence Against Women* coordinates legislative and other initiatives relating to violence against women and administers grant programs to help prevent, detect, and stop violence against women, including domestic violence, sexual assault, and stalking.
- *Office of Justice Programs (OJP)* manages and coordinates the activities of the Bureau of Justice Assistance, Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, Community Oriented Policing Services (COPS), and the Office of Victims of Crime.

Most crime control has traditionally been a state and local responsibility. With the passage of the Crime Control Act of 1968 (P.L. 90-351), however, the federal role in the administration of criminal justice has increased incrementally. Since 1984, Congress has approved five major omnibus crime control bills, designating new federal crimes, penalties, and additional law enforcement assistance programs for state and local governments.⁴

Government Performance and Results Act

The Government Performance and Results Act (GPRA) required the Department of Justice, along with other federal agencies, to prepare a five-year strategic plan, including a mission statement, long-range goals, and program assessment measures. The Department's Strategic Plan for FY2007-FY2012 sets out six goals:

- detect and prevent terrorism;
- combat violent crime;
- combat computer crime, especially child pornography, obscenity, and intellectual property theft;
- combat illegal drugs;
- attack corporate and public corruption; and
- promote civil rights and civil liberties.⁵

Selected DOJ-Related Issues with Funding Implications

During consideration of the Administration's FY2009 budget request, several issues may be brought to Congress's attention. There are short descriptions of these issues below.

⁴ For further information, see CRS Report RL32824, *Federal Crime Control: Background, Legislation, and Issues*, by Lisa M. Seghetti.

⁵ U.S. Department of Justice, Office of the Attorney General, *Stewards of the American Dream: FY 2007 — FY 2012 Strategic Plan*, available at [<http://www.usdoj.gov/jmd/mps/strategic2007-2012/index.html>].

FBI Transformation. Over a 10-year period, from FY1999 to FY2008, Congress has increased direct appropriations for the FBI from \$2,993.1 million and 26,693 positions to \$6,657.7 million (122% increase) and 30,211 positions (13% increase). Most of these new resources were provided in the wake of the 9/11 terrorist attacks, as the FBI redirected its resources toward combating domestic and international terrorism by improving its intelligence gathering and processing capabilities. As a consequence, for FY2008, about 60% of FBI funding and staffing is allocated to national security programs, including counterterrorism and counterintelligence.

While al Qaeda remains a serious national threat, some Members of Congress — including appropriations subcommittee chairs — have expressed concern about the effect that redirecting a significant number of agents to counterterrorism could have on drug enforcement and violent crime investigations.⁶ More recently, concerns have been raised about the effect that the redirection of resources toward counterterrorism may be having on DOJ and FBI's shared counterintelligence mission and the enforcement of espionage laws.⁷ Nevertheless, the Administration's FY2009 budget request includes \$492.7 million in new funding for counterterrorism and related intelligence matters, of which \$447.4 million has been requested for the FBI, but no budget increases have been requested for traditional or emerging crime or espionage law enforcement (counterintelligence).

Violent Crime Increases Reported for Medium-Sized and Small Cities. According to the Federal Bureau of Investigation's (FBI's) Uniform Crime Reports (UCRs), the reported number of violent crimes⁸ in the United States increased 1.9% in 2006 compared with 2005.⁹ Medium-sized and small cities,

⁶ Senator Barbara Mikulski, Chair of the Senate Appropriations Commerce, Justice, Science (CJS) and Related Agencies Subcommittee amended the FY2008 CJS appropriations bill (H.R. 3093) to include language to require the FBI Director to submit a report to House and Senate Appropriations Committees, within 60 days of enactment, on the FBI's current workforce allocation, right-sizing, and realignment of agents, analysts, and support personnel. See *Congressional Record*, Daily Edition, October 4, 2007, p. S12723. This requirement was included in the explanatory statement accompanying the Consolidated Appropriations Act, 2008 (P.L. 110-161; December 26, 2007). See *Congressional Record*, Daily Edition, December 17, 2007, p. H15798. Also, see "Panel Chairman Seeks Study of FBI Reorganization; Rep. Wolf Cites Concern on Impact of Shifting Agents to Counterterrorism Effort," *Washington Post*, June 5, 2002, p. A08.

⁷ Statement of J. Patrick Rowan, Deputy Assistant Attorney General, National Security Division, U.S. Department of Justice, before the Subcommittee on Crime Terrorism, and Homeland Security, Committee on the Judiciary, House of Representatives, concerning "Enforcement of Federal Espionage Laws," January 29, 2008, available at [<http://judiciary.house.gov/media/pdfs/Rowan080129.pdf>].

⁸ Violent crimes include murder/non-negligent manslaughter, rape, robbery, and aggravated assault.

⁹ U.S. Department of Justice, Federal Bureau of Investigation, *Crime in the United States, 2006*, Table IA, available online at [<http://www.fbi.gov/ucr/cius2006/index.html>], accessed June 10, 2008. It is notable that the FBI released preliminary data for 2007 on June 9, 2008;

(continued...)

however, saw a greater increase in violent crime than large cities. While cities with populations of 250,000 or more had a 1% increase in the reported number of violent crimes in 2006 as compared with 2005,¹⁰ cities with populations of 100,000 to 249,999 had a 2.3% increase in the reported number of violent crime. Moreover, cities with populations of 50,000 to 99,999, 25,000 to 49,999, and 10,000 to 24,999 reported violent crime increases of 3.5%, 3.8%, and 2.8%, respectively, in 2006 as compared with 2005. Such violent crime increases in medium-sized and small cities may lead to calls for greater federal assistance targeted for those cities.

Consolidated Law Enforcement Assistance Grants Proposal. The Administration's FY2009 budget request includes a proposal to consolidate the existing 38 federal law enforcement assistance programs into three "competitive" grant programs. Moreover, the FY2009 request of \$404 million for state and local law enforcement assistance would be \$1,223.4 million less than the amount Congress appropriated individually for similar programs for FY2008 (\$1,627.4 million for State and Local Law Enforcement Assistance, Weed and Seed, and COPS). For juvenile justice programs, the FY2009 request is \$185 million, or \$198.5 million less than the FY2008 enacted level. For the Office on Violence Against Women, the FY2009 request is \$280 million, or \$120 less than the FY2008 enacted level. Hence, for major law enforcement assistance programs, the Administration's FY2009 request of \$869 million is \$1,541.9 million less than the \$2,410.9 million that was appropriated for FY2008. Although several similar consolidations and funding cuts were proposed in the past by the Bush Administration, Congress has rejected those proposals and provided appropriations for federal law enforcement assistance grants in amounts greater than requested by the Administration and along existing account, subaccount, and program structures.

Southwest Border Enforcement Initiative. On January 31, 2008, DOJ announced its FY2009 funding request of \$100 million for the Administration's Southwest Border Enforcement Initiative. This initiative would provide resources to bolster DOJ's efforts to combat illegal immigration, drug trafficking, and firearms smuggling across the Southwest border between the United States and Mexico. Most of these resources would be allocated to arrest, detain, prosecute, and incarcerate violent criminals, drug offenders, and immigration violators. DOJ estimates that with increased border enforcement by DHS — principally the U.S. Border Patrol — over 24,000 criminal immigration cases will be filed by the U.S. Attorneys in the next two years. DOJ also claims that such additional funding has assumed greater importance, as terrorists could attempt to exploit vulnerabilities on the Southwest border to enter the United States illegally and smuggle weapons of mass destruction into the United States.

NICS Improvement Act Authorizations. The tragic events at Virginia Tech on April 16, 2007, prompted Congress to pass the NICS Improvement Amendments Act (P.L. 110-180). This law includes provisions that would require states, as a condition of federal funding, to update and make available disqualifying

⁹ (...continued)

however, the latest final and full-year data are for 2006.

¹⁰ Ibid., Table 12.

records for inclusion in the National Instant Criminal Background Check System (NICS). This Act also includes two authorizations to make appropriations and increase federal assistance for purposes related to gun control (\$1,312.5 million over five years). Subsection 103(e) authorizes increased appropriations to assist states and Indian tribal governments in upgrading records that would disqualify persons from possessing a firearm in a manner consistent with the National Criminal History Improvement Program (NCHIP), which is funded under the COPS program but administered by DOJ's Bureau of Justice Statistics. Section 301 authorizes increased appropriations to improve state court systems in regard to final dispositions on misdemeanor domestic violence convictions and mental health adjudications where persons are determined to be a threat to themselves or others.

In recent years, however, appropriated funding for NCHIP has generally decreased. The FY2008 NCHIP appropriation was \$9.4 million, compared with \$50 million for FY1997 to implement provisions of Brady Handgun Violence Prevention Act, 1993 (P.L. 103-159). Consequently, realizing FY2009 appropriations at the levels authorized under P.L. 110-180 (\$187.5 million)¹¹ could prove challenging.

Bureau of Prisons (BOP) Facilities and Capacity. The BOP has projected that its facilities will be 39% over capacity in 2008 and 42% over capacity in 2009.¹² BOP has alleviated overcrowding by contracting for additional bed space, but BOP contracts only for bed space to house low-security criminal aliens and convicted offenders in halfway houses when they are within six months of being released.¹³ In addition to contracting additional bed space, BOP could likely need to either expand existing facilities or build new facilities in order to properly house the growing federal prison population.¹⁴ Congress, meanwhile, reduced the FY2008 BOP budget by \$22.7 million, as compared with the FY2007 enacted level of funding (\$5,448.2 million). To meet FY2008 budget shortfalls, Congress is considering an FY2008 supplemental appropriations bill (H.R. 2642) that includes additional funding for BOP. In addition, the Administration has submitted an FY2008 budget reprogramming to Congress to shift additional funding to BOP from other DOJ accounts.

¹¹ For FY2009, subsection 103(3) authorizes \$125 million to be appropriated, and section 301 authorizes \$62.5 million, for a total authorized funding level of \$187.5 million under these two provisions of P.L. 110-180.

¹² U.S. Department of Justice, Federal Bureau of Prisons, *FY2009 Congressional Budget Submission*, p. 3.

¹³ Telephone conversation on February 12, 2008 with U.S. Department of Justice, Bureau of Prisons, Office of Congressional Affairs.

¹⁴ According to BOP the federal inmate population housed in BOP facilities in 2007 was 167,323. BOP projects the federal inmate population housed in BOP facilities to increase to 175,759 in 2009. U.S. Department of Justice, Bureau of Prison, *FY2009 Performance Budget, Congressional Submission, Salaries and Expenses*, p. 3.

Offender Reentry.¹⁵ Over 95% of the prison population today will be released at some point in the future, and each year in the United States, almost 650,000 offenders are released from prison.¹⁶ The Department of Justice's (DOJ's) Bureau of Justice Statistics (BJS) has estimated that two-thirds of all released prisoners will commit new offenses (recidivate) within three years of their release.¹⁷ Many studies have indicated that reentry initiatives that combine work training and placement with counseling and housing assistance can reduce recidivism rates.¹⁸

The Office of Justice Programs within DOJ oversees a wide array of grant programs that include support for offender reentry programs or activities among the purpose areas eligible for funding. However, only one grant program within DOJ is exclusively focused on offender reentry; that program is currently being called the Prisoner Reentry Initiative (PRI) by DOJ.¹⁹ In FY2008, the PRI received an appropriation of \$11.75 million. The President's request for FY2009 would eliminate this program and proposes consolidating its purpose areas within a larger discretionary grant program known as the Byrne Public Safety and Protection Program. The issue of offender reentry funding within DOJ, and whether the elimination of this grant program is appropriate, may be of interest to Congress given the recent enactment of the Second Chance Act (P.L. 110-199) on April 9, 2008. The Second Chance Act, among other things, includes a significant expansion of the current offender reentry grant program within DOJ and authorizes \$55 million for this program in both FY2009 and FY2010.

¹⁵ For further information, see CRS Report RL34287, *Offender Reentry: Correctional Statistics, Reintegration into the Community and Recidivism*, by Blas Nuñez-Neto.

¹⁶ U.S. Department of Justice, Office of Justice Programs, "Learn About Reentry," available at [<http://www.reentry.gov/learn.html>].

¹⁷ U.S. Department of Justice, Bureau of Justice Statistics, "Reentry Trends in the United States: Recidivism," available at [<http://www.ojp.usdoj.gov/bjs/reentry/recidivism.htm>].

¹⁸ Wilkinson, Reginald A., Director of the Ohio Department of Rehabilitation and Correction, "Offender Reentry: A Storm Overdue," Paper Prepared for Third National Forum on Restorative Justice, March 2002, available at [<http://www.drc.state.oh.us/web/Articles/article98.htm>].

¹⁹ From FY2002 through FY2005, the program was known as the Serious and Violent Offender Reentry Initiative. Both programs, however, draw on the same legislative authority: P.L. 107-273, Title II, Division B, § 2421(a); codified at 42 U.S.C. 3797w.

DOJ Appropriations for FY2008, Including FY2008 Supplemental, and FY2009 Budget Request

The President's FY2009 DOJ budget request includes \$23,088.9 million. This amount reflects a reduction in funding of almost \$503 million compared with the FY2008 enacted appropriation of \$23,591.9 million. This overall reduction of 2.1% is largely reflected in proposed reductions in grants administered by the Office of Justice Programs (OJP), Community Oriented Policing Services (COPS) Office, and Office of Violence Against Women (OVW). For these and other DOJ accounts, **Table 1** shows amounts appropriated by Congress for FY2007 and FY2008, as well as amounts requested by the Administration for FY2009.

In addition, the Administration requested \$185.8 million in FY2008 supplemental funding for DOJ, which is also shown in **Table 1**. As described above, the House and Senate have passed FY2008 Iraq war supplemental appropriations bills (H.R. 2642) that include additional funding for DOJ. As **Table 1** shows, the House-passed bill would provide DOJ with \$407.3 million, and the Senate bill would provide \$1,130.6 million. The Senate-passed bill, for example, would provide \$590 million in additional state and local law enforcement assistance. The House-passed bill, however, includes no additional funding for this account.

Furthermore, DOJ has reportedly submitted a \$240 million budget reprogramming request to the House and Senate Committees on Appropriations to cover FY2008 budget shortfalls in the Federal Prison System account, of which \$109 million has been approved.²⁰ This reprogramming request is not reflected in **Table 1**, but it will likely result in funding being shifted to the Federal Prison System account from other DOJ accounts for FY2008. Both House- and Senate-passed versions H.R. 2642 would provide \$187.1 million for the Federal Prison System, \$9.1 million of which was requested by the Administration.

General Administration

The General Administration account provides funds for salaries and expenses for the Attorney General's office and the Inspector General's office, as well as other programs designed to ensure that the collaborative efforts of DOJ agencies are coordinated to help fight crime as efficiently as possible. The General Administration budget request is \$1,956.1 million for FY2009. This amount is \$161.3 million more than the enacted FY2008 appropriation of almost \$1,794.8 million. Described below are several General Administration subaccounts, including one for General Administration.

²⁰ CRS conversation with DOJ Office of Congressional Affairs on June 5, 2008.

Table 1. Funding for the Department of Justice
(budget authority in millions of dollars)

Accounts	FY2007 Enacted ^a	FY2008 Enacted ^b	FY2008 Supplemental			FY2009 Request
			Request	H.R. 2642		
				House- passed	Senate- passed	
General Administration	1,836.2	1,794.8	—	4.0	4.0	1,956.1
<i>General Administration</i>	310.6	257.6	—	—	—	321.3
<i>Administrative Review & Appeals</i>	229.1	240.7	—	—	—	263.8
<i>Federal Office of the Detention Trustee</i>	1,225.8	1,225.9	—	—	—	1,295.3
<i>Office of the Inspector General</i>	70.6	70.6	—	4.0	4.0	75.7
U.S. Parole Commission	11.5	11.5	—	—	—	12.6
Legal Activities	3,393.1	3,584.0	24.0	25.3	75.3	3,835.9
<i>General legal activities</i>	678.8	745.5	4.1	1.7	1.7	804.0
<i>U.S. Attorneys</i>	1660.0	1,754.8	5.0	5.0	5.0	1,831.3
<i>U.S. Marshals Service</i>	825.4	866.5	14.9	18.6	68.6	933.1
<i>Other</i>	229.0	217.1	—	—	—	267.5
National Security Division	68.7	73.4	—	—	—	83.8
Interagency Law Enforcement	497.9	497.9	—	—	—	531.6
Federal Bureau of Investigation	6,298.6	6,657.7	140.2 ^d	174.8 ^d	247.6 ^d	7,108.1
<i>Salaries and expenses</i>	3,987.5	4,184.9	—	—	—	4,339.6
<i>Counterintelligence and National Security</i>	2,259.7	2,308.6	140.2 ^d	174.8 ^d	247.6 ^d	2,725.5
<i>Construction</i>	51.4	164.2	—	—	—	43.0
Drug Enforcement Administration	1,761.1	1,857.6	8.5	12.2	22.7	1,936.6
Bureau of Alcohol, Tobacco, Firearms and Explosives	984.1	1,007.6	4.0	4.0	4.0 ^e	1,027.8
Federal Prison System	5,448.2	5,425.5	9.1 ^f	187.1 ^f	187.1 ^f	5,533.9
Office of Violence Against Women	382.6	400.0	—	—	—	280.0
Office of Justice Programs	2,528.5	2,282.0	—	—	590.0 ^g	782.5
<i>Justice assistance</i>	238.3	196.2	—	—	—	134.6

Accounts	FY2007 Enacted ^a	FY2008 Enacted ^b	FY2008 Supplemental			FY2009 Request
			Request	H.R. 2642		
				House- passed	Senate- passed	
<i>State and local law enforcement assistance</i>	1,286.8	1,008.1 ^c	—	—	590.0 ^g	404.0
<i>Weed and seed program</i>	49.4	32.1	—	—	—	—
<i>Community oriented policing services</i>	541.8	587.2	—	—	—	—
<i>Juvenile justice programs</i>	338.4	383.5	—	—	—	185.0
<i>Public safety officers benefits program</i>	73.8	74.8	—	—	—	58.8
Total	23,210.4	\$23,591.9	\$185.8	\$407.3	\$1,130.6^h	\$23,088.9

Source: For the FY2007 and FY2008 Enacted columns, the *House Appropriations Committee Print on the Consolidated Appropriations Act, 2008 (H.R. 2764/P.L. 110-161)*. For the FY2009 Request column, the *DOJ FY2009 Budget and Performance Summary*.

Note: Amounts may not total due to rounding.

- a. The FY2007 Enacted column includes funding provided by the Revised Continuing Appropriations Resolution, 2007 (P.L. 110-5), and the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110-28).
- b. The FY2008 Enacted column does not reflect a DOJ budget reprogramming request for \$240 million that has been submitted by the Administration to the House and Senate Committees on Appropriations, and partially approved by the committees for \$109 million.
- c. The amount includes \$100 million in emergency funding for the Presidential Nominating Conventions.
- d. The Administration requested \$39.1 million in advanced FY2009 funding as part of the FY2008 supplemental appropriations request. Both the House- and Senate-passed FY2008 Iraq war supplemental appropriations bills (H.R. 2642) include \$82.6 million in advanced FY2009 funding.
- e. In addition to the \$5 million that would be provided directly to ATF, the Senate-passed H.R. 2642 includes another \$15 million for ATF. See footnotes g and h.
- f. For the Federal Prison System, the Administration requested \$9.1 million in FY2008 supplemental funding for counterterrorism purposes. In addition to this amount, both the House- and Senate-passed versions of H.R. 2642 include an additional \$178 million to meet FY2008 budget shortfalls.
- g. This amount includes \$10 million for ATF.
- h. The Senate-passed H.R. 2642 includes \$5 million for ATF that is to be made available from foreign aid to Mexico that would be provided pursuant to this bill.

General Administration. For General Administration, the FY2009 budget request includes \$321.3 million dollars, an increase of 24.7% over the \$257.6 million appropriation for FY2008. Examples of programs funded under this subaccount include the Joint Automated Booking System and the Automated Biometric Identification System. The latter is designed to integrate fingerprint identification systems maintained by DOJ and Department of Homeland Security (DHS). Under this subaccount, DOJ also continues to enhance its counterterrorism and intelligence capabilities through the Law Enforcement Wireless Communications program

(LEWC, formerly known as Narrowband Communications), through which nationwide integrated wireless networks are being developed and implemented to support the federal law enforcement and homeland security missions of DOJ. In addition, this account funds the Justice Information Sharing Technology (JIST) program, which provides for investments in information technology to further support the Department's strategic goals.

Administrative Review and Appeals (ARA). 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 DHS's efforts to secure the Nation's borders. The EOIR handles these matters. The OPA receives and reviews petitions for executive clemency. For FY2008, Congress appropriated \$240.7 million for ARA. The President's budget request includes \$263.8 million for ARA funding in FY2009. The requested amount exceeds FY2008 funding levels by \$23.1 million, representing an increase of 9.6%.

Federal Office of Detention Trustee (OFDT). The OFDT provides overall management and oversight for federal detention services relating to federal prisoners in non-federal institutions or otherwise in the custody of the U.S. Marshals Service. The FY2009 budget request for OFDT is \$1,295.3 million. This amount is \$69.4 million more than the FY2008 appropriation of almost \$1,225.9 million.

Office of the Inspector General (OIG). The 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. The President's FY2009 budget request includes nearly \$75.7 million for the OIG. This amount is \$5.1 million greater than the amount appropriated by Congress for FY2008 and would represent a 7.2% increase in funding for FY2009.

Also, both the House- and Senate-passed FY2008 Iraq war supplemental appropriations bills (H.R. 2642) include \$4 million for the OIG to continue audit and oversight activities related to the FBI's use of National Security Letters and orders for business records under section 215 of the PATRIOT Act.²¹

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. For FY2009, the President's budget request for the Parole Commission is just under \$12.6 million, or a 9.7% increase as compared with the FY2008 appropriation of \$11.5 million.

²¹ For House explanatory language, see *Congressional Record*, Daily Edition, vol. 154 (May 15, 2008), p. H4012. For Senate explanatory language, see *Congressional Record*, Daily Edition, vol. 154 (May 19, 2008), p. S4302.

Legal Activities

The Legal Activities account includes several subaccounts: (1) general legal activities, (2) U.S. Attorneys, (3) U.S. Marshals Service, and (4) other legal activities. For FY2009, the President's budget request for general legal activities includes \$3,835.9 million, or an increase of 7% and nearly \$251.9 million more than the enacted FY2008 funding level of \$3,584.0 million for these activities.

General Legal Activities. 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, and antitrust). The FY2009 budget request includes \$804 million for general legal activities, \$58.5 million more than the FY2008 enacted appropriation, or a proposed 7.8% increase in funding.

For FY2008, the Administration requested \$4.1 million in supplemental funding for General Legal Activities. Both the House- and Senate-passed FY2008 Iraq war supplemental appropriations bills (H.R. 2642) include nearly \$1.7 million to provide litigation support services for the Special Inspector General to investigate corruption within Iraqi reconstruction efforts.²² House explanatory language stated that funding was not provided to create Iraq and Afghanistan support units within General Legal Activities and the Criminal Division, as these "worthy activities" should be funded through the Department of Defense and the Department of State.²³

Office of the U.S. Attorney. 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. For FY2009, the President's budget request would provide \$1,831.3 million for the U.S. Attorneys Office, a 4.4% increase over the prior year. For FY2008, the U.S. Attorneys' appropriated budget is almost \$1,754.8 million.

Both the House- and Senate-passed FY2008 Iraq war supplemental appropriations bills (H.R. 2642) include \$5 million for the U.S. Attorneys for extraordinary litigation expenses associated with terrorism-related prosecutions in the United States — the same amount as requested by the Administration.²⁴

U.S. Marshals Service (USMS). The USMS is responsible for the protection of the federal judicial process, including protecting judges, attorneys, witnesses, and jurors. In addition, USMS provides physical security in courthouses, safeguards witnesses, transports prisoners from court proceedings, apprehends fugitives, executes warrants and court orders, and seizes forfeited property. For FY2008, the appropriation for the USMS is \$866.5 million.

²² Ibid., p. H4013 and p. S4302.

²³ Ibid., p. H4013.

²⁴ Ibid., p. H4013 and p. S4303.

The President's request for FY2009 proposed USMS funding of \$933.1 million, an increase of \$66.6 million, or 7.7% over the FY2008 enacted level. Both the House- and Senate-passed FY2008 Iraq war supplemental appropriations bills (H.R. 2642) include \$18.6 million for the USMS to provide security at "high-threat" terrorist trials (nearly \$8 million), improve court witness security in Afghanistan (\$3.7 million), and enforce the Adam Walsh Child Protection and Safety Act (nearly \$7 million).²⁵ This amount is \$3.7 million more than the amount requested by the Administration, \$14.9 million.²⁶

Furthermore, the Senate-passed bill includes an additional \$50 million for the USMS to enforce the Adam Walsh Act to hire and equip at least 200 Deputy Marshals and 25 support personnel for the next five years.²⁷ According to Senate language, this funding is necessary to establish a National Sex Offender Targeting Center, improve information technology, and provide other infrastructure to leverage efforts by Deputy Marshals to track down child predators.²⁸

Other Legal Activities. For other legal activities — the Community Relations Service, the U.S. Trustee Fund (which is responsible for maintaining the integrity of the U.S. bankruptcy system by, among other things, prosecuting criminal bankruptcy violations), and the Asset Forfeiture program — the President's FY2009 budget request includes \$270.1 million. This amount reflects an increase in funding of \$53 million, or a 24.4% increase over the FY2008 enacted level of \$217.1 million.

National Security Division (NSD)

The 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, the DOJ resources of the Office of Intelligence Policy and Review and the Criminal Division's Counterterrorism and Counterespionage Sections were consolidated to coordinate all intelligence-related resources and ensure that criminal intelligence information is shared, as appropriate.

For FY2009, the President's budget request proposes NSD funding of \$83.8 million. In FY2008, Congress appropriated nearly \$73.4 million for NSD. The proposed funding level for FY2009 reflects a 14.2% increase over FY2008 enacted appropriations.

²⁵ Ibid.

²⁶ Ibid., p. S4303.

²⁷ Ibid., p. S4213.

²⁸ Ibid.

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. From DOJ, the federal agencies that participate in OCDETF are the Drug Enforcement Administration; the Federal Bureau of Investigation; the Bureau of Alcohol, Tobacco, Firearms and Explosives; the U.S. Marshals Service; the Justice, Tax, and Criminal Divisions of DOJ; and the U.S. Attorneys. From DHS, the U.S. Bureau of Immigration and Customs Enforcement and the U.S. Coast Guard participate in OCDETF. In addition, the Internal Revenue Service and Treasury Office of Enforcement also participate from the Department of the Treasury. State and local law enforcement agencies participate in approximately 90% of all OCDETF investigations.²⁹

For FY2009, the President's request would provide almost \$531.6 million for OCDETF. The proposed FY2009 funding level would exceed the FY2008 OCDETF enacted funding level of \$497.9 million by 6.8%.

Federal Bureau of Investigation (FBI)

The 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, terrorist attacks, the FBI has reorganized and reprioritized to focus more sharply on preventing terrorism and related criminal activities.

For FY2009, the President's request would provide \$7,108.1 million for the FBI, including \$2,725.5 million for counterterrorism investigations, foreign counterintelligence, and other national security activities, as well as construction funding of nearly \$43 million. The enacted FY2008 FBI budget included \$6,657.7 million, of which \$2,308.6 million has been provided for national security activities, and \$164.2 million for construction. Taken as a whole, the FY2009 budget request would exceed the FBI's FY2008 funding level by \$450.4 million, an overall funding increase of 6.8%.

For the global war on terror and the FBI, the Administration requested \$140.2 million in FY2008 supplemental funding. The House- and Senate-passed FY2008 Iraq war supplemental appropriations bills (H.R. 2642) include additional funding for the FBI, but in differing amounts. The House bill includes \$92.2 million for

²⁹ U.S. Department of Justice, Interagency Law Enforcement, *FY2009 Interagency Crime and Drug Enforcement Congressional Submission*, February 2008, p. 9.

counterterrorism operations in Iraq and Afghanistan.³⁰ The Senate bill includes \$165 million for the FBI, including \$140 million for counterterrorism operations generally, \$20 million for forensics backlog reduction, and \$5 million for fraud investigations.³¹ In addition, both the House- and Senate-passed bills include \$82.6 million in “bridge funding” to maintain FBI operations for the first six months of FY2009, in the event that final appropriations may not be enacted before the end of this fiscal year.³²

Drug Enforcement Administration (DEA)

The DEA is the lead federal agency tasked with reducing the illicit supply and abuse of narcotics and drugs through drug interdiction and seizing of illicit revenues and assets from drug trafficking organizations. According to DEA, the agency’s efforts to reduce the illicit drug supply has contributed to a 23% drop in national drug use over the past five years.³³ By 2009, one of DEA’s goals is to recover \$3 billion in ill-gotten proceeds annually from international drug trafficking networks operating in the United States. In congressional testimony on April 19, 2007, DEA noted that it continues to face evolving challenges in limiting the supply of illicit drugs, such as the illicit use of pharmaceutical drugs available through the Internet, and enforcement along the Southwest border with Mexico, where DEA estimates that 85% of illicit drugs are smuggled into the United States.³⁴

For FY2009, the President’s budget request includes almost \$1,936.6 million in funding for DEA. This amount would exceed the enacted FY2008 funding level of \$1,857.6 million by \$79 million and would reflect a 4.3% funding increase.

For FY2008, meanwhile, the Administration has requested \$8.5 million in supplemental funding for the DEA.³⁵ The House-passed Iraq supplemental appropriations bill (H.R. 2642) would provide \$12.2 million,³⁶ while the Senate-passed bill (also H.R. 2642) would provide \$22.7 million.³⁷ Both bills would support DEA’s efforts to advance a narco-terrorism initiative known as “Operation Breakthrough” and conduct financial investigations, but the Senate bill would provide additional funding for certain intelligence programs that support the Afghan government’s counternarcotics efforts.³⁸

³⁰ *Congressional Record*, Daily Edition, vol. 154 (May 15, 2008), p. H4013.

³¹ *Congressional Record*, Daily Edition, vol. 154 (May 19, 2008), p. S4303.

³² *Ibid.*, p. H4013 and p. S4303.

³³ Statement of Karen Tandy, Administrator, Drug Enforcement Agency, Hearing before the Senate Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, *Drug Threats and Enforcement Challenges*, April 19, 2007.

³⁴ *Ibid.*

³⁵ *Congressional Record*, Daily Edition, vol. 154 (May 19, 2008), p. S4303.

³⁶ *Congressional Record*, Daily Edition, vol. 154 (May 15, 2008), p. H4013.

³⁷ *Congressional Record*, Daily Edition, vol. 154 (May 19, 2008), p. S4303.

³⁸ *Ibid.*

Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)³⁹

The ATF enforces federal criminal law related to the manufacture, importation, and distribution of alcohol, tobacco, firearms, and explosives. ATF works both 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.

For FY2009, the President's request includes nearly \$1,027.8 million for ATF. Compared with FY2008 congressional appropriations of \$1,007.6 million, the President's request would provide a funding increase of \$20.2 million, or 2% more than FY2008 levels.

For the global war on terror, the Administration requested \$4 million for ATF operations in Iraq and Afghanistan. Both the House- and Senate-passed Iraq war supplemental appropriations bills (H.R. 2642) include \$4 million for this purpose,⁴⁰ but the Senate bill includes another \$15 million to bolster an ATF initiative known as "Project Gunrunner," which has been launched to suppress illegal gun trafficking from the United States to Mexico.⁴¹

Federal Prison System (Bureau of Prisons)

The Bureau of Prisons (BOP) maintains federal penal institutions nationwide and contracts with state, local, and private facilities for additional detention space. BOP projects that in 2008 there will be 207,020 inmates in the federal prison system population, and BOP estimates that this population will grow to approximately 213,220 by the end of 2009.⁴² Of the total number of federal inmates, over 167,000 are in facilities operated by BOP, while the remaining 17% are in contract care at privately operated secure facilities, residential reentry centers, or serving a sentence of home confinement. BOP estimates that its facilities were operating at 39% above capacity, as of January 29, 2008, and it estimates that by 2009, the facilities will be operating at 42% above capacity.⁴³

The President's FY2009 budget request proposes BOP funding of almost \$5,533.9 million, of which \$95.8 million would be provided for acquisition of sites and construction of facilities. This amount would exceed total enacted FY2008

³⁹ For further information, see CRS Report RL34514, *The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF): Budget and Operations*, by William J. Krouse.

⁴⁰ For House explanatory language, see *Congressional Record*, Daily Edition, vol. 154 (May 15, 2008), p. H4012. For Senate explanatory language, see *Congressional Record*, Daily Edition, vol. 154 (May 19, 2008), p. S4302.

⁴¹ *Ibid.*, p. S4313 and S4382.

⁴² U.S. Department of Justice, Federal Bureau of Prisons, *FY2009 Congressional Budget Submission*, p. 2.

⁴³ *Ibid.*, pp. 2-3.

appropriations of \$5,425.5 million by over \$108.4 million, reflecting a 2% increase in funding.

As requested by the Administration, the House- and Senate-passed FY2008 Iraq war supplemental appropriations bills (H.R. 2642) include \$9.1 million for the BOP to monitor the communications of incarcerated terrorists, collect intelligence, and disseminate relevant intelligence to other law enforcement agencies.⁴⁴ Both bills also include an additional \$178 million for BOP to cover FY2008 budget shortfalls and provide for costs related to the care and custody of inmates and the maintenance and operation of correctional and penal facilities.⁴⁵

Office on Violence Against Women

The Office on Violence Against Women (OVW) was created 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.

The President's FY2009 budget request would provide \$280 million for OVW, a reduction of \$120 million, or a 30% decrease in funding compared with FY2008 funding of \$400 million (see **Table 2**). Under the President's FY2009 proposal, OVW's current formula and discretionary grant programs would be consolidated into a single grant program, the Prevention and Prosecution of Violence Against Women and Related Victim Services Program.

Grants under the proposed consolidated program would be awarded on a competitive basis to state, local, and tribal governments. Funding would support efforts to develop and implement effective, coordinated prevention and prosecution of domestic violence, dating violence, and sexual assault and stalking, and to support related victims services. According to the President's FY2009 proposal, the consolidated grant awards would be "designed to forge state, local and tribal partnerships among police, prosecutors, the judiciary, victim advocates, health care providers, faith leaders, and others to help provide victims with protection and needed services, while enabling communities to hold offenders accountable."⁴⁶

⁴⁴ *Congressional Record*, Daily Edition, vol. 154 (May 15, 2008), p. H4013. For Senate explanatory language, see *Congressional Record*, Daily Edition, vol. 154 (May 19, 2008), p. S4303.

⁴⁵ *Ibid.*, p. H4029, and *ibid.*, p. S4313.

⁴⁶ U.S. Executive Office of the President, Office of Management and Budget, *Budget for Fiscal Year 2009*, Appendix, p. 728.

Table 2. Funding for Office on Violence Against Women
(budget authority in thousands of dollars)

Accounts	FY2007 Enacted	FY2008 Enacted	FY2009 Request
STOP Grants	185,403	183,800	—
<i>National Institute of Justice Earmark - Research & Development</i>	—	1,880	—
<i>Transitional Housing Assistance</i>	—	17,390	—
Grants to Encourage Arrest Policies	62,433	59,220	—
Rural Domestic Violence Assistance Grants	38,768	40,420	—
Violence on College Campuses	8,962	9,400	—
Civil Legal Assistance	38,821	36,600	—
Sexual Assault Victims Services	—	9,400	—
Elder Abuse Grant Program	4,494	4,230	—
Safe Havens Project	13,753	13,630	—
Education and Training for Disabled Female Victims	7,082	6,580	—
Court-Appointed Special Advocates (CASA)	11,776	13,160	—
Training for Judicial Personnel	2,264	2,350	—
Stalking Database	2,932	2,820	—
Court Training and Improvements	—	2,820	—
Services for Children/Youth Exposed to Violence	—	2,820	—
Advocates for Youth/Services for Youth Victims	—	2,820	—
National Tribal Sex Offender Registry	—	940	—
Research on Violence Against Indian Women	—	940	—
Closed Circuit Television Grants	976	940	—
Engaging Men and Youth in Prevention	—	2,820	—
Training Programs to Assist Probation and Parole Officers	4,907	3,290	—
National Resource Center on Workplace Responses		940	—
Prevention and Prosecution of Violence Against Women and Related Victim Services Program	—	—	280,000
Total: VAWA	\$382,571	\$400,000	\$280,000

Source: For the FY2007 and FY2008 Enacted columns, the *House Appropriations Committee Print on the Consolidated Appropriations Act, 2008 (H.R. 2764/P.L. 110-161)*. For the FY2009 Request column, the *DOJ FY2009 Budget and Performance Summary*.

Note: Amounts may not total due to rounding.

Office of Justice Programs

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 of Victims of Crimes, Bureau of Justice Assistance, and related grant programs. For OJP, the Administration's FY2009 budget request includes \$782.5 million, or nearly \$1,499.5 million less than the FY2008 appropriation of \$2,282.0 million.

Justice Assistance. While the Administration's FY2009 request does not include a proposal to modify the Justice Assistance account, it includes \$134.6 million for this account, or 31.4% less than what was appropriated in FY2008. The FY2009 request includes funding for the following programs:

- \$34.7 million for National Institute of Justice (NIJ),
- \$53 million for the Bureau of Justice Statistics (BJS),
- \$34.2 million for the Regional Information Sharing System (RISS), and
- \$12.7 million for support services and administrative expenses for the Office of Victims of Crime.

By comparison, the enacted FY2008 appropriation for Justice Assistance is \$196.2 million. Some of the programs funded under that amount include

- \$37 million for NIJ,
- \$34.8 million for BJS,
- \$40 million for RISS,
- \$50 million for missing children programs, and
- \$11.3 million to support state and local law enforcement agencies in the prevention, investigation and prosecution of Internet, high-tech, and economic crimes.⁴⁷

State and Local Law Enforcement Assistance. The Administration has requested \$404 million for the State and Local Law Enforcement Assistance account for FY2009 (see **Table 3**). In addition, the Administration has proposed collapsing 16 State and Local Law Enforcement Assistance grant programs, 14 COPS grant programs (described below), along with the Weed and Seed program (also described below), into three competitive grant programs. Under this proposal, the FY2009 request includes

- \$200 million for a *Violent Crime Reduction Partnership Initiative* to assist communities experiencing high rates of violent crime — with an emphasis on reducing drug trafficking and gang activity — by providing resources for forming and participating in multi-jurisdictional task forces that would include members of federal, state, and local law enforcement;

⁴⁷ *Congressional Record*, Daily Edition, vol. 153 (December 17, 2007), p. H15800.

- \$200 million for a *Byrne Public Safety and Protection Program* to assist and allow state, municipal, local, tribal, and territorial governments with developing programs that address the particular needs of their jurisdiction; and
- \$4 million for community policing training and technical assistance for state, municipal, local, tribal and territorial governments and other public and private entities to advance community policing, expand cooperation between law enforcement agencies and community members, and enhance public safety.

By comparison, the FY2009 budget request of \$404 million for the State and Local Law Enforcement Assistance grants program is \$604.1 million less than the \$1,008.1 million Congress appropriated for this program for FY2008 (see **Table 3**).

Table 3. Funding for State and Local Law Enforcement Assistance

(budget authority in thousands of dollars)

Accounts	FY2007 Enacted	FY2008 Enacted	FY2009 Request
Edward Byrne Justice Assistance Grant (JAG)	519,852	170,433	—
<i>State and Local Law Enforcement Intelligence</i>	—	2,000	—
<i>NIJ for Law Enforcement Technology</i>	19,754	2,000	—
State Criminal Alien Assistance Program	399,828	410,000	—
Indian Assistance	21,719	22,440	—
<i>Tribal Prison Construction Program</i>	8,885	8,630	—
<i>Indian Tribal Courts Program</i>	7,898	8,630	—
<i>Alcohol and Substance Abuse</i>	4,936	5,180	—
Edward Byrne Discretionary Grant Program	239,256	187,513	—
Edward Byrne Competitive Grant Program	—	16,000	—
Victims of Trafficking Grants	9,872	9,400	—
State Prison Drug Treatment	9,872	9,400	—
Drug Courts	9,872	15,200	—
Southwest Border Prosecution Initiative	29,617	30,080	—
Northwest Border Prosecution Initiative	—	2,820	—
Prescription Drug Monitoring	7,404	7,050	—
Prison Rape Prosecution and Prevention	17,934	17,860	—
Intelligence State and Local Training	9,872		—
Missing Alzheimer's Patients Program	839	940	—
Capital Litigation Grant Program	987	2,500	—
Cannabis Eradication	4,936	—	—
Mentally-Ill Offender Act Program	4,936	6,500	—

Accounts	FY2007 Enacted	FY2008 Enacted	FY2009 Request
Presidential Nominating Conventions Emergency Appropriation	—	100,000	—
Violent Crime Reduction Partnership	—	—	200,000
Byrne Public Safety and Protection	—	—	200,000
Community Policing Training and Technical Assistance	—	—	4,000
Total: State and Local Law Enforcement Assistance	\$1,286,796	\$1,008,136	\$404,000

Source: For the FY2007 and FY2008 Enacted columns, the *House Appropriations Committee Print on the Consolidated Appropriations Act, 2008 (H.R. 2764/P.L. 110-161)*. For the FY2009 Request column, the *DOJ FY2009 Budget and Performance Summary*.

Note: Amounts may not total due to rounding.

In addition, the Senate-passed FY2008 Iraq war supplemental appropriation bill (H.R. 2642) includes \$590 million in state and local law enforcement assistance.⁴⁸ Of this amount, \$490 million is for the Edward Byrne Memorial Justice Assistance Grant program.⁴⁹ This amount also includes \$90 million for a competitive grant program to assist and equip state and local law enforcement officers along the Southwest border or in High-Intensity Drug Trafficking Areas, and \$10 million for the ATF to continue “Project Gunrunner” — an initiative to suppress illegal gun trafficking from the United States to Mexico.⁵⁰

Weed and Seed Program. The Weed and Seed program is designed to provide grants to help communities build stronger, safer neighborhoods by implementing local-level approaches to solve and prevent crimes. The program provides assistance for community-based strategies of “weeding and seeding” activities, based on the premise that leaders from neighborhood and community organizations, including faith-based organizations, law enforcement, and private enterprise, must be involved in leveraging resources to solve community problems at the local level. Site funding generally provides resources for “weeding” activities, which include joint law enforcement operations and community policing, and “seeding” activities, which range from prevention activities, including physically improving the neighborhood and economic development. The enacted FY2008 level of funding for the Weed and Seed program is \$32.1 million. The Administration did not request any funding for the Weed and Seed program for FY2009. Instead, the Administration’s grant consolidation proposal would incorporate the Weed and Seed program into the proposed Byrne Public Safety and Protection program (described above).

⁴⁸ *Congressional Record*, Daily Edition, vol. 154 (May 19, 2008), p. S4313.

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*

Community Oriented Policing Services. For FY2009, the Administration's budget request does not include specific funding for a number of COPS programs and initiatives. Instead, the Administration proposes consolidating COPS grant programs under the proposed \$4 million "competitive" community policing training and technical assistance program (described above). By comparison, for FY2008 Congress enacted \$587.2 million in appropriations for COPS programs. **Table 4** provides the enacted appropriation allocations.

Table 4. Funding for the COPS Program
(budget authority in thousands of dollars)

Accounts	FY2007 Enacted	FY2008 Enacted	FY2009 Request
COPS Hiring Program	—	20,000	—
Training and Technical Assistance	9,546	3,760	—
Tribal Law Enforcement Programs	15,808	15,040	—
Methamphetamine Enforcement and Clean-up	70,000	61,187	—
Bullet-proof Vest Program	29,617	25,850	—
Law Enforcement Technology Program	166,145	205,366	—
Crime Identification Technology Programs	28,408	—	—
National Criminal History Improvement Program	9,872	9,400	—
DNA Initiative	112,145		—
DNA Forensic Programs	—	152,272	—
<i>Debbie Smith DNA Backlog Grant Program</i>	—	147,391	—
<i>Kirk Bloodsworth DNA Post-Conviction Testing</i>	—	4,881	—
Coverdell Forensic Science	18,264	18,800	—
Project Safe Neighborhoods	20,613		—
Offender Re-entry Program	14,879	11,750	—
Anti-gang Program	45,000		—
Anti-gang and Gun Violence Program	—	20,000	—
Child Sexual Predator Program	—	15,608	—
<i>Sex Offender Management Assistance</i>	—	4,162	—
<i>National Sex Offender Public Registry</i>	—	850	—
Management and Administration	1,541	28,200	—
Total: Community Oriented Policing	\$541,838	\$587,233	—

Source: For the FY2007 and FY2008 Enacted columns, the *House Appropriations Committee Print on the Consolidated Appropriations Act, 2008 (H.R. 2764/P.L. 110-161)*. For the FY2009 Request column, the *DOJ FY2009 Budget and Performance Summary*.

Note: Amounts may not total due to rounding.

Juvenile Justice Programs. The Administration's FY2009 budget includes \$185 million for Juvenile Justice programs in FY2009, or 51.8% less than what was

appropriated in FY2008 (see **Table 5**). The Administration’s grant consolidation proposal would collapse the seven existing juvenile justice programs into a single “competitive” Child Safety and Juvenile Justice grant program, which would be awarded to state and local governments on a competitive basis. According to the Administration, the proposed grant program would allow state and local governments to develop juvenile justice or child safety programs that address local needs, including reducing incidents of child exploitation and abuse, improving juvenile justice outcomes, and addressing school safety needs.

Table 5 also provides the enacted FY2008 funding level for Juvenile Justice programs of \$383.5 million, as allocated by program.

Table 5. Funding for Juvenile Justice Programs
(budget authority in thousands of dollars)

Accounts	FY2007 Enacted	FY2008 Enacted	FY2009 Request
Part A - Coordinate Federal Efforts	703	658	—
Part B - Formula Grants	78,978	74,260	—
Part E - Demonstration Projects	104,674	93,835	—
Title V - Incentive Grants	64,171	61,100	—
<i>Tribal Youth Program</i>	9,872	14,100	—
<i>Gang Prevention Program</i>	24,680	18,800	—
<i>Enforcing Underage Drinking Laws</i>	24,680	25,000	—
Secure Our Schools Act	14,808	15,040	—
Juvenile Accountability Block Grant	49,361	51,700	—
Project ChildSafe	987	—	—
Juvenile Mentoring Programs	9,872	70,000	—
Victims of Child Abuse Act Programs	14,808	16,920	—
Child Safety and Juvenile Justice Grants	—	—	185,000
Total: Juvenile Justice Programs	\$338,362	\$383,513	\$185,000

Source: For the FY2007 and FY2008 Enacted columns, the *House Appropriations Committee Print on the Consolidated Appropriations Act, 2008 (H.R. 2764/P.L. 110-161)*. For the FY2009 Request column, the *DOJ FY2009 Budget and Performance Summary*.

Note: Amounts may not total due to rounding.

Public Safety Officers Benefits Program.⁵¹ The Public Safety Officers’ Benefits (PSOB) program provides three different types of benefits to public safety officers or their survivors: a death, a disability, and an education benefit. The PSOB program is intended to assist in the recruitment and retention of law enforcement officers, firefighters, and first responders and to offer peace of mind to men and

⁵¹ For further information, see CRS Report RL34413, *Public Safety Officers’ Benefits (PSOB) Program*, by Nathan James.

women who choose careers in public safety. For FY2008, Congress appropriated \$74.8 million for the PSOB program.⁵² For FY2009, the Administration has requested \$58.8 million for the PSOB program, which is 21.4% less than what was appropriated for FY2008.

Related Legislation

Listed below are three enacted laws and other bills that have received congressional action that include provisions that would increase DOJ activities and responsibilities, as well as authorize appropriations for these purposes.

P.L. 110-180; H.R. 2640 (McCarthy)

NICS Improvement Amendment Act 2007. H.R. 2640 was introduced by Representative Carolyn McCarthy and co-sponsored by Representative John Dingell. As passed by the House, by a voice vote, on June 13, 2007, H.R. 2640 reportedly reflected a compromise between groups favoring and opposing greater gun control.⁵³ The Senate Judiciary Committee approved similar, but not identical, NICS improvement amendments as part of the School Safety and Law Enforcement Improvement Act of 2004 on August 2, 2007, and reported this bill on September 21, 2007 (S. 2084; S.Rept. 110-183). Following lengthy negotiations, the Senate amended and passed the NICS Improvement Amendments Act of 2007 (H.R. 2640), as did the House, on December 19, 2007, clearing that bill for the President's signature. President Bush signed this bill into law on January 8, 2008 (P.L. 110-180).

P.L. 110-180 strengthens the Brady Handgun Violence Prevention Act (P.L. 103-159), which requires federal agencies to provide, and the Attorney General to secure, any government records with information relevant to determining the eligibility of a person to receive a firearm. As a condition of federal assistance, P.L. 110-180 requires states to make available to the Attorney General certain records that disqualify persons from acquiring a firearm for inclusion in NICS, particularly those records related to convictions for misdemeanor crimes of domestic violence and persons adjudicated as mentally defective.⁵⁴ P.L. 110-180 also requires states, as a condition of federal assistance, as well as federal agencies like the Department of

⁵² U.S. Department of Justice, *FY2009 Budget and Performance Summary*, Part III: Department of Justice Request Information by Appropriation, Office of Justice Programs (OJP) and Community Oriented Policing Services (COPS), available online at [<http://www.usdoj.gov/jmd/2009summary/>], accessed February 8, 2008.

⁵³ Jonathan Weisman, "Democrats, NRA Reach Deal on Background-Check Bill," *Washington Post*, June 10, 2007, p. A02.

⁵⁴ Under 27 CFR 478.11, the term "adjudicated as mental defective" includes a determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease (1) is a danger to himself or others or (2) lacks the mental capacity to manage his own affairs. The term also includes (1) a finding of insanity by a court in a criminal case and (2) those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility pursuant to articles 50a and 72b of the Uniform Code of Military Justice, 10 U.S.C. 850a, 876(b).

Veterans Affairs (VA), to establish administrative relief procedures under which a person who has been adjudicated mentally defective could apply to have his firearms possession and transfer eligibility restored.⁵⁵ In addition, P.L. 110-180 includes two authorizations to increase appropriations for federal assistance for improving access to disqualifying records by \$1,312.5 million over five years, including \$187.5 million for FY2009.

P.L. 110-177; H.R. 660 (Conyers)/S. 378 (Leahy)

Court Security Improvement Act of 2007. Amends current law to strengthen and improve judicial security through measures that (1) authorize increased appropriated funding for the U.S. Marshals Service to provide increased judicial security; (2) amend the criminal code to provide greater protection for judges, their family members, and witnesses; and (3) authorize appropriations to provide grants to states for the protection for judges and witnesses. On January 7, 2008, the bill was signed into law (P.L. 110-177).

P.L. 110-199; H.R. 1593 (Davis)/S. 1060 (Biden)

Second Chance Act of 2007. Amends current law to reauthorize the adult and juvenile state and local reentry demonstration projects; provides for improvements in the offender residential substance abuse treatment for state offenders; establishes state and local reentry courts; establishes grants for state and local prosecutors to develop, implement, or expand qualified drug treatment program alternatives to imprisonment; and provides grants for the establishment of family substance abuse treatment alternatives to incarceration. H.R. 1593 was passed by the House on November 13, 2007. The Senate passed the bill without amendment on March 11, 2008. On April 9, 2008, the bill was signed into law (P.L. 110-199).

H.R. 1592 (Conyers)/S. 1105 (Kennedy)

Local Law Enforcement Hate Crimes Prevention Act of 2007. These bills would authorize grants for state, local, and tribal law enforcement for extraordinary expenses of investigating hate crimes. Provides technical, forensic, prosecutorial, and other forms of assistance to local law enforcement agencies for investigating and prosecuting hate crimes. Following hearings on the bill on April 17, 2007, the bill was reported by the House Judiciary Committee on April 30, 2007, and passed by the House on May 3, 2007. Language similar to S. 1105 was amended to the FY2008 Defense Authorization Act (H.R. 1585). The Senate passed this bill on October 1, 2007, but the hate crime provisions were not included in the H.R. 1585 conference agreement.

H.R. 1700 (Weiner)/S. 368 (Biden)

COPS Improvements Act of 2007. H.R. 1700 would amend current law to expand the scope of COPS grant programs, change the COPS program into a multi-grant program instead of a single-grant program, and authorize additional funding for COPS. H.R. 1700, as amended by the House Judiciary Committee, was reported on

⁵⁵ Federal law authorizes the Attorney General to consider applications from prohibited persons for relief from disqualification (18 U.S.C. §925(c)). Since FY1993, however, Congress has attached an appropriations rider on the ATF salaries and expenses account that prohibits the expenditure of any funding under that account to process such applications.

May 2, 2007, and passed by the House on May 15, 2007. S. 368 was referred to the Senate Judiciary Committee and reported out of the committee without amendment on May 24, 2007.

H.R. 1759 (Bono)

Managing Arson Through Criminal History (MATCH) Act of 2007. H.R. 1759 would establish guidelines and incentives for states to establish arsonist registries and to require the Attorney General to establish a national arsonist registry and notification program. After a hearing on H.R. 1759 on October 6, 2007, the bill was marked up by the Subcommittee on Crime, Terrorism, and Homeland Security, and reported by the House Judiciary Committee on December 4, 2007. The bill was passed by the House on December 5, 2007 by voice vote. The bill has been referred to the Senate Committee on Judiciary.

H.R. 3546 (Johnson)/S. 231 (Feinstein)

Both bills would extend authorized appropriations for the Edward Byrne Memorial Justice Assistance Grant (JAG) program until FY2012. The bill would authorize \$1,095 million for each fiscal year through FY2012. H.R. 3546 was introduced on September 17, 2007, and it was referred to the House Judiciary Committee. The House Subcommittee on Crime, Terrorism, and Homeland Security marked H.R. 3546 up on May 20, 2008. S. 231 was introduced on January 7, 2007, and it was referred to the Senate Judiciary Committee. The Senate bill was reported by the Judiciary Committee on May 23, 2008, and passed the Senate on May 24, 2008.

H.R. 3887 (Lantos)

William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007. H.R. 3887 would continue and reinforce anti-trafficking provisions of the Trafficking Victims Protection Act of 2000. Among other things, DOJ-related provisions in H.R. 3887 would (1) require the Attorney General to continue reporting annually on activities by the Department of Defense to combat trafficking in persons, and certain issues concerning forced labor, and (2) direct the Attorney General to expand the responsibilities of the DOJ-lead Innocence Lost Task Forces to incorporate situations involving adults that are sexually exploited. In addition, the bill would authorize appropriations for (1) the Secretary of Health and Human Services and the Attorney General to assist victims of trafficking, (2) the FBI to increase human trafficking investigations, and (3) anti-trafficking training for law enforcement, prosecutors, and the judiciary. H.R. 3887 was introduced on October 17, 2007. It was amended and reported (H.Rept. 110-430) by the House Committee on Foreign Relations on November 6, 2007, and discharged by the House Committee on the Judiciary on November 20, 2007. The bill passed the House on December 4, 2007.

S. 456 (Feinstein)

Gang Abatement and Prevention Act of 2007. S. 456 would amends current law to create new criminal penalties for gang-related crimes, authorize grants for gang prevention activities, as well as for federal, state, and local law enforcement cooperation in fighting gangs, and for hiring 94 assistant U.S. Attorneys to be deployed in “high intensity interstate gang activity” areas. S. 456, was passed by the Senate on September 21, 2007.

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