

CRS Report for Congress

Department of Justice (DOJ) Appropriations for FY2008 and FY2009

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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 reportedly submitted a budget reprogramming request to Congress. Moreover, the Administration requested \$185.8 million in FY2008 supplemental funding for DOJ. In the Supplemental Appropriations Act, 2008 (P.L. 110-252), Congress provided DOJ with an additional \$449 million 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 FY2008 supplemental appropriation, the FY2009 budget request is about \$952 million below the total level of funding that Congress has provided DOJ 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) funding initiatives authorized to combat crimes against children under the Adam Walsh Act (P.L. 109-248), (5) reported increases in drug trafficking and related violent crime on the Southwest border, (6) funding shortfalls for the Federal Prison System, and (7) the reentry of several waves of offenders whose prison sentences will soon end.

On June 25, 2008, the House Appropriations Committee approved a draft FY2009 Commerce, Justice, Science, and Related Agencies (CJS) appropriations bill that would provide DOJ with \$25,438.7 million. Not counting the recent supplemental, the House amount is 7.8% greater than the FY2008 enacted level and 10.2% greater than the FY2009 Request. On June 19, 2008, the Senate Appropriations Committee reported an FY2009 CJS appropriations bill (S. 3182; S.Rept. 110-397) that would provide DOJ with \$25,778.6 million. The Senate amount is 9.3% greater than the FY2008 enacted level and 11.6% greater than the FY2009 request. 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. 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

On June 25, 2008, the House Appropriations Committee approved a draft FY2009 Commerce, Justice, Science, and Related Agencies (CJS) appropriations bill that would provide DOJ with \$25,438.7 million.

On June 19, 2008, the Senate Appropriations Committee reported an FY2009 CJS appropriations bill (S. 3182; S.Rept. 110-397) that would provide DOJ with \$25,778.6 million.

Also, on June 26, 2008, the Supplemental Appropriations Act, 2008 (H.R. 2642) was cleared by Congress, following an exchange of amendments that resolved differences (principally related to domestic spending) in previous House- and Senate-passed versions of this bill. For DOJ, the Administration had requested \$185.8 million in FY2008 supplemental funding for counterterrorism-related activities and programs. The President signed H.R. 2642 into law on June 30, 2008 (P.L. 110-252). For FY2008, the Act provides DOJ with an additional \$449 million.

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

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.

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 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.²

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.³

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.

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

² For further information, see CRS Report RL32824, *Federal Crime Control: Background, Legislation, and Issues*, by Lisa M. Seghetti.

³ 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>].

have on drug enforcement and violent crime investigations.⁴ 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.⁵ 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 crimes⁶ in the United States increased 1.9% in 2006 compared with 2005.⁷ Medium-sized and small cities, 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 2005,⁸ 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"

⁴ 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.

⁵ 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>].

⁶ Violent crimes include murder/non-negligent manslaughter, rape, robbery, and aggravated assault.

⁷ 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; however, the latest final and full-year data are for 2006.

⁸ *Ibid.*, Table 12.

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.

Crimes Against Children. Although the Administration stated in its FY2009 budget request that protecting children from sexual exploitation is among DOJ's highest priorities, budget increases were not requested to fund the enforcement of some of the initiatives authorized under the Adam Walsh Child Protection and Safety Act (P.L. 109-248). The major DOJ programs and activities to combat crimes against children are carried out by multiple offices within the department. They include Project Safe Childhood, coordinated by the U.S. Attorneys; the Missing and Exploited Children's program, administered by OJP; the activities of the Child Exploitation and Obscenity Section in the Criminal Division; and the Innocent Images National Initiative and Crimes Against Children program, administered by the FBI; as well as other federal and state partners on DOJ-led Internet Crimes Against Children (ICAC) Task Forces. In addition, OJP's Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (SMART) Office, which was created in 2006 under P.L. 109-248, provides related assistance to state and local law enforcement agencies.

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 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)⁹ 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 2009.¹⁰ 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.¹¹ 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.¹² 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.

Offender Reentry.¹³ Over 95% of the prison population today will be released at some point in the future, and each year in the United States, almost

⁹ 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.

¹⁰ U.S. Department of Justice, Federal Bureau of Prisons, *FY2009 Congressional Budget Submission*, p. 3.

¹¹ Telephone conversation on February 12, 2008 with U.S. Department of Justice, Bureau of Prisons, Office of Congressional Affairs.

¹² 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.

¹³ For further information, see CRS Report RL34287, *Offender Reentry: Correctional Statistics, Reintegration into the Community and Recidivism*, by Blas Nuñez-Neto.

650,000 offenders are released from prison.¹⁴ 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.¹⁵ Many studies have indicated that reentry initiatives that combine work training and placement with counseling and housing assistance can reduce recidivism rates.¹⁶

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.¹⁷ 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.

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.

¹⁴ U.S. Department of Justice, Office of Justice Programs, "Learn About Reentry," available at [<http://www.reentry.gov/learn.html>].

¹⁵ 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>].

¹⁶ 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>].

¹⁷ 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.

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

Accounts	FY2008 Enacted ^a	FY2009 Request	House Draft Bill	Senate-Reported	FY2009 Enacted
General Administration	1,794.8	1,952.1	2,014.2	1,928.4	
General Administration	257.6	321.3	384.7	292.7	
Administrative Review & Appeals	240.6	259.8	264.8	264.8	
Detention Trustee	1,225.9	1,295.3	1,289.1	1,295.3	
Office of the Inspector General	70.6	75.7	75.7	75.7	
U.S. Parole Commission	11.5	12.6	12.6	12.6	
Legal Activities	3,584.0	3,829.7	3,841.9	3,864.7	
General legal activities	745.5	804.0	804.0	804.0	
United States Attorneys	1,754.8	1,831.3	1,836.3	1,831.3	
United States Marshals Service	866.5	933.1	940.3	968.1	
Other	217.1	261.2	261.2	261.2	
National Security Division	73.4	83.8	83.8	83.8	
Interagency Law Enforcement	497.9	531.6	521.9	511.7	
Federal Bureau of Investigation	6,657.7	7,108.1	7,108.1	7,270.1	
Salaries and expenses	4,184.9	4,339.6	3,310.1	4,359.7	
Counterintelligence and National Security	2,308.6	2,725.5	3,755.0	2,725.5	
Construction	164.2	43.0	43.0	185.0	
Drug Enforcement Administration	1,857.6	1,936.6	1,939.1	1,954.4	
Bureau of Alcohol, Tobacco, Firearms and Explosives	1,007.6	1,027.8	1,054.2	1,042.8	
Federal Prison System	5,425.5	5,533.9	5,733.9	5,973.9	
Office of Violence Against Women	400.0	280.0	435.0	415.0	
Office of Justice Programs	2,282.0	792.7	2,694.1	2,721.1	
Justice assistance	196.2	134.6	95.0	240.0	
State and local law enforcement assistance	1,008.1 ^b	404.0	1,277.0	1,387.0	
Weed and seed program fund	32.1	—	—	25.0	
Community oriented policing services	587.2	—	627.0	600.0	
Salaries and Expenses ^c	—	—	195.0 ^c	—	
Juvenile justice programs	383.5	185.0	431.0	400.0	
Public safety officers benefits	74.8	69.1	69.1	69.1	
Total: Department of Justice	23,591.9	23,088.9	25,438.7	25,778.6	

Source: House Appropriations Committee Print on the Consolidated Appropriations Act, 2008 (H.R. 2764/P.L. 110-161); Budget of the United States Government, Fiscal Year 2009 — Appendix; House Appropriations Committee-approved draft bill and report; and S. 3182 (S.Rept. 110-397).

Note: Amounts may not total due to rounding.

- a. 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. Nor does it reflect an additional \$449 million provided to DOJ as part of the Supplemental Appropriations Act, 2008 (P.L. 110-252).
- b. Includes \$100 million in emergency funding that was appropriated for security at the Presidential Nominating Conventions.
- c. The House Committee-approved draft bill included a separate subaccount that would breakout and provide \$195 million for OJP, OVW, and COPS administrative costs.

In addition, 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.¹⁸ 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.

The House Appropriations Committee has approved a draft bill that would provide DOJ with \$25,438.7 million for FY2009. This amount includes \$7,108.1 million for the FBI, \$1,939.1 million for the DEA, \$1,054.2 million for the ATF, and \$5,733.9 million for the Bureau of Prisons. The House draft bill also includes \$3,129.1 million in state and local law enforcement assistance (OJP and OVW), instead of cutting such funding by \$1,609.2 million, as proposed by the Administration.

The Senate Appropriations Committee has reported a bill (S. 3182; S.Rept. 110-252) that would provide DOJ with \$25,778.6 million for FY2009. This amount includes \$7,270.1 million for the FBI, \$1,954.4 million for the DEA, \$1,042.8 million for the ATF, and \$5,973.9 million for the Bureau of Prisons. The Senate-reported bill also includes \$3,136.1 million in state and local law enforcement assistance (OJP and OVW).

FY2008 Supplemental Funding Request and Congressional Action.

Congress has also provided DOJ with an additional \$449 million in FY2008 funding as part of the Supplemental Appropriations Act, 2008 (P.L. 110-152). This FY2008 supplemental funding has not been incorporated into **Table 1**. Instead, that funding is broken out separately in **Table 2**. For FY2008, the Administration had requested \$185.8 million in supplemental funding for DOJ. The bill (H.R. 2642) originally passed by the House would have provided DOJ with \$407.3 million in supplemental funding, and the bill passed by the Senate (also H.R. 2642) would have provided \$1,130.6 million. In an exchange of amendments, the House and Senate resolved their differences and the bill was cleared for the President on June 26, 2008.

Although the discussion below provides the amounts at the account and subaccount level provided for DOJ in P.L. 110-252, those amounts have not been incorporated into the FY2008 enacted funding levels given below.

¹⁸ CRS conversation with DOJ Office of Congressional Affairs on June 5, 2008.

**Table 2. FY2008 Supplemental Funding for
the Department of Justice**
(budget authority in millions of dollars)

Accounts	Request	House- Passed May 15	Senate- Passed May 22	Enacted June 26, 2008
General Administration	—	4.0	4.0	4.0
Office of the Inspector General	—	4.0	4.0	4.0
Legal Activities	24.0	25.3	75.3	35.3
General Legal Activities	4.1	1.7	1.7	1.7
U.S. Attorneys	5.0	5.0	5.0	5.0
U.S. Marshals Service	14.9	18.6	68.6	28.6
Federal Bureau of Investigation	140.2	174.8	247.6	188.7
Counterterrorism	101.1	92.2	165.0	106.1
FY2009 Advanced Appropriation	39.1	82.6	82.6	82.6
Drug Enforcement Administration	8.5	12.2	22.7	29.9
Bureau of Alcohol, Tobacco, Firearms and Explosives	4.0	4.0	4.0	4.0
Federal Prison System	9.1	187.1	187.1	187.1
State and Local Law Enforcement Assistance	—	—	590.0	—
Total: FY2008 DOJ Supplemental	185.8	407.3	1,130.6	449.0

Source: For House amounts, see *Congressional Record*, Daily Edition, vol. 154 (May 15, 2008), p. H4012. For Senate amounts, see *Congressional Record*, Daily Edition, vol. 154 (May 19, 2008), p. S4302. For enacted amounts, see the Supplemental Appropriations Act, 2008 (P.L. 110-252).

Note: Amounts may not total due to rounding.

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, an increase of 8.8%. The House committee-approved draft bill would provide \$2,014.2 million for General Administration, 12.2% more than the FY2008 enacted level and 3.2% more than the FY2009 request. The Senate-reported bill would provide \$1,928.4 million for General Administration, 7.4% more than the FY2008 level and 1.2% less than the FY2009 request.

Also, in the Supplemental Appropriations Act, 2008 (P.L. 110-252), Congress provided the Office of the Inspector General (OIG) with an additional \$4 million. Described below are several General Administration subaccounts, such as the OIG.

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. The House draft bill would provide \$384.7 million, 49.3% more than FY2008 level and 19.7% more than the President's request. The Senate-reported bill would provide \$292.7 million, 13.6% more than FY2008 enacted level, but 8.9% less than the President's request.

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 \$259.8 million for ARA funding for FY2009. The requested amount exceeds FY2008 funding levels by \$19.1 million, representing an increase of 8.0%. The House draft bill would provide \$264.8 million, 10% more than the FY2008 enacted level and 1.9% more than the President's request. The Senate-reported bill would provide the same amount as the House draft bill. Both bills include \$5 million over the FY2009 request to hire new immigration judges and additional support staff to address the growing EOIR immigration caseload.

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. The House draft bill would provide \$1,289.1 million for OFDT, 5.1% more than FY2008 enacted levels and 0.5% less than the President's request. The Senate-reported bill would provide the same amount as the President's request.

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. Both the House draft and Senate-reported bills would provide the same amount as the President's FY2009 request.

As noted above, the Supplemental Appropriations Act, 2008 (P.L. 110-252), includes an additional \$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.¹⁹

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. Both the House committee-approved draft bill and the Senate-reported bill would provide the same amount as in the President's FY2009 request.

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 \$3,829.7 million, or an increase of 6.9% and nearly \$245.7 million more than the enacted FY2008 funding level of \$3,584.0 million for these activities. The House committee-approved draft bill would provide almost \$3,841.9 million for legal activities, 7.2% more than the FY2008 enacted level and 0.3% more than the President's request. The Senate-reported bill would provide almost \$3,864.7 million, 7.8% more than the FY2008 enacted level and 0.9% more than the President's request.

In the Supplemental Appropriations Act, 2008 (P.L. 110-252), Congress provided an additional \$35.3 million in FY2008 funding for certain Legal Activities program accounts, including the General Legal Activities, U.S. Attorneys, and U.S. Marshals Service.

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. The House draft and Senate-reported bills include the same level of funding as the President's FY2009 budget request.

As part of the Supplemental Appropriations Act, 2008 (P.L. 110-252), Congress provided an additional \$1.7 million for the General Legal Activities account for litigation support services for the Special Inspector General to investigate corruption

¹⁹ 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.

within Iraqi reconstruction efforts,²⁰ instead of the \$4.1 million requested by the Administration. 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.²¹

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.

The House draft bill includes \$1,836.3 million for the U.S. Attorneys Office, 4.6% more than enacted FY2008 appropriations and 0.3% more than the President’s FY2009 request. The House amount includes \$5 million more than requested by the Administration for child exploitation investigations and prosecutions. Draft report language states the House committee’s expectation that not less than \$33.6 million would be available for those purposes in FY2009. The Senate-reported bill includes the same level of funding as requested by the President for FY2009.

In addition, the Supplemental Appropriations Act, 2008 (P.L. 110-252) included an additional \$5 million for the Office of the U.S. Attorneys, as requested by the Administration for extraordinary litigation expenses associated with terrorism-related prosecutions in the United States.²²

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.

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. The House draft bill would provide \$940.3 million for USMS, 8.5% more than FY2008 enacted levels and 0.8% more than the President’s budget request. The Senate-reported bill would provide \$968.1 million, 11.7% more than FY2008 enacted funding and 3.8% more than the President’s budget request. Both bills would provide \$12.7 million requested by the Administration to meet the Marshal Service’s escalating immigration workload related to Southwest border immigration enforcement. House draft report language indicates that the House bill would provide \$4 million for the Marshals Service to analyze increasing threats to federal judges. Senate report language indicates that the Senate bill includes an increase of \$20 million over the

²⁰ Ibid., p. H4013 and p. S4302.

²¹ Ibid., p. H4013.

²² Ibid., p. H4013 and p. S4303.

FY2008 appropriations for judicial and courthouse security, the same amount as requested by the Administration.

The Supplemental Appropriations Act, 2008 (P.L. 110-252), includes an additional \$28.6 million for the USMS, as compared with the \$14.9 million requested by the Administration. Previous versions of both the House- and Senate-passed FY2008 Iraq war supplemental appropriations bills (H.R. 2642) included \$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).²³ Furthermore, the Senate-passed bill included an additional \$50 million for the USMS to enforce the Adam Walsh Act by hiring and equipping at least 200 Deputy Marshals and 25 support personnel for the next five years.²⁴ According to Senate language, this funding was 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.²⁵

Regarding the Adam Walsh Child Protection and Safety Act, both House draft and Senate report language accompanying the FY2009 appropriations bills expressed disappointment that the FY2009 request included no budget increases for the Marshals Service to enforce this legislation. House report language indicated that with FY2008 supplemental funding that there would be nearly \$18.5 million available for Adam Walsh enforcement activities for FY2009. Senate report language indicated that \$25 million would be provided for these purposes for FY2009.

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 \$261.2 million. This amount reflects a decrease in funding of \$44.1 million, or a 20.3% increase over the FY2008 enacted level of \$217.1 million. The House draft and Senate-reported bills would provide the same funding level as requested in the FY2009 President’s budget.

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

²³ Ibid.

²⁴ Ibid., p. S4213.

²⁵ Ibid.

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. The House committee-approved draft and Senate-reported bills would provide the same funding level as requested in the FY2009 President's budget. House draft report language expressed concern about the backlog of "non-emergency" Foreign Intelligence Surveillance Act (FISA) requests at the NSD, and would require a report to the House and Senate Appropriations Committees from DOJ on FISA request trends for the past five fiscal years. House draft report language also commended the NSD for its "proactive oversight" of the FBI's use of national security letters and other surveillance authorities.

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.²⁶

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%. The House draft bill would provide \$521.9 million, 4.8% more than the FY2008 enacted level but 1.8% less than the President's request. The Senate-reported bill would provide \$511.7 million, 2.8% more than the FY2008 enacted level but 3.7% less than the President's request.

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,

²⁶ U.S. Department of Justice, Interagency Law Enforcement, *FY2009 Interagency Crime and Drug Enforcement Congressional Submission*, February 2008, p. 9.

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%.

The House committee-approved draft bill would provide FY2009 FBI funding at the same levels as the President's budget request. Nonetheless, House draft report language indicates that no funding would be available for the FBI's National Security Analysis Center (NSAC), as the committee was concerned about the FBI plans to use "predictive models and patterns of behavior" that could possibly lead to needless privacy intrusions into the lives of innocent citizens. The House draft report language also called upon the FBI to report to the House and Senate Appropriations Committees on intelligence collection on foreign entities that are not connected to ongoing national security investigations. Draft report language also indicated that for FY2009, the House bill would provide increases of \$10 million for mortgage fraud investigations, \$3 million for contracting fraud, and \$10 million for child exploitation investigations.

The Senate-reported bill would provide \$7,270.1 million for the FBI, 9.2% more than the FY2008 funding level and 2.3% more than the President's request and the House amount. Senate report language expressed the committee's disappointment that the FBI did not deliver a work force study that was due 60 days following the enactment of the FY2008 appropriation (February 19, 2008). Report language noted further that the FBI had undergone a tremendous transformation since 2001 in terms of organizational structure and investigative priorities, but the committee remains concerned that the FBI has not adequately considered the distribution of its staff and resources around the country. Report language also indicated that the Senate bill would provide increases of \$38 million for cyber crime investigations, \$1.5 million for the investigation of human rights violators from foreign countries residing in the United States, \$10 million for mortgage fraud investigations, \$9 million for the Innocent Images National Initiative, and \$9 million for task forces dedicated to reducing violent crime and gang violence.

In the Supplemental Appropriations Act, 2008 (P.L. 110-252), Congress provided the FBI with an additional \$188.7 million for counterterrorism purposes, of which \$106.1 million is a supplemental appropriation for FY2008 and \$82.6 million is an advanced FY2009 appropriation to ensure operational continuity in the event that the FY2009 appropriations may not be enacted by the end of FY2008. The Administration had previously requested \$140.2 million in FY2008 supplemental funding for the global war on terror. Previous versions of the House- and Senate-passed FY2008 Iraq war supplemental appropriations bills (H.R. 2642) included different amounts for the FBI. The House bill would have provided \$92.2 million for

counterterrorism operations in Iraq and Afghanistan.²⁷ The Senate bill would have provided \$165 million for the FBI, including \$140 million for counterterrorism operations generally, \$20 million for forensics backlog reduction, and \$5 million for fraud investigations.²⁸ Both included \$82.6 million in “bridge funding” to maintain FBI operations for the first six months of FY2009, as did the enacted supplemental.²⁹

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.³⁰ 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.³¹

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. The House Committee-approved draft bill would provide \$1,939.1 million, 4.4% above the FY2008 enacted level and 0.1% over the FY2009 request. The Senate-reported bill would provide \$1,954.4 million, 5.2% above the FY2008 enacted level and 0.9% over the FY2009 request.

As part of the Supplemental Appropriations Act, 2008 (P.L. 110-252), Congress provided DEA with an additional \$29.9 million to thwart narco-terrorism, as compared with the \$8.5 million requested by the Administration.³² Previously, a House-passed version of the Iraq supplemental appropriations bill (H.R. 2642) would have provided DEA with \$12.2 million,³³ while a Senate-passed version of the bill (also H.R. 2642) would have provided \$22.7 million.³⁴ Both bills would have supported DEA’s efforts to advance a narco-terrorism initiative known as “Operation

²⁷ *Congressional Record*, Daily Edition, vol. 154 (May 15, 2008), p. H4013.

²⁸ *Congressional Record*, Daily Edition, vol. 154 (May 19, 2008), p. S4303.

²⁹ *Ibid.*, p. H4013 and p. S4303.

³⁰ 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.

³¹ *Ibid.*

³² *Congressional Record*, Daily Edition, vol. 154 (May 19, 2008), p. S4303.

³³ *Congressional Record*, Daily Edition, vol. 154 (May 15, 2008), p. H4013.

³⁴ *Congressional Record*, Daily Edition, vol. 154 (May 19, 2008), p. S4303.

Breakthrough” as well as efforts to conduct financial investigations, but the Senate version of the bill would have provided additional funding for certain intelligence programs that support the Afghan government’s counternarcotics efforts.³⁵

Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)³⁶

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. The House committee-approved draft bill would provide \$1,054.2 million, 4.6% above the FY2008 enacted level and 2.6% over the FY2009 request. House draft report language indicated that the House bill would provide an increase of \$5 million for “Project Gunrunner,” a Southwest border initiative to reduce illegal gun trafficking from the United States to Mexico. The Senate-reported bill would provide \$1,042.8 million, 3.5% above the FY2008 enacted level and 1.5% over the FY2009 request. Senate report language indicated that the Senate bill would provide an increase of \$15 million to expand ATF’s Violent Crime Impact Teams. Both House draft and Senate report language expressed the committees’ continued support of ATF’s National Integrated Ballistic Information Network.

As part of the Supplemental Appropriations Act, 2008 (P.L. 110-252), Congress has provided ATF with \$4 million in additional FY2008 funding, the same amount as requested by the Administration for ATF operations in Iraq and Afghanistan. Previous versions of both the House- and Senate-passed Iraq war supplemental appropriations bills (H.R. 2642) included \$4 million for this purpose.³⁷ The Senate version of the bill also included another \$15 million to bolster an ATF initiative known as “Project Gunrunner,”³⁸ but this funding was not included in the enacted bill.

³⁵ Ibid.

³⁶ For further information, see CRS Report RL34514, *The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF): Budget and Operations*, by William J. Krouse.

³⁷ 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.

³⁸ Ibid., p. S4313 and S4382.

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 2009.³⁹ 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.⁴⁰

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 appropriations of \$5,425.5 million by over \$108.4 million, reflecting a 2% increase in funding. The House committee-approved bill includes \$5,733.9 million for the BOP, a 5.7% increase over the FY2008 enacted level and a 3.6% increase over the FY2009 request. The Senate-reported bill includes \$5,973.9 million for BOP, a 10.1% increase over the FY2008 enacted level and an 8% increase over the FY2009 request.

The Supplemental Appropriations Act, 2008 (P.L. 110-252), includes an additional \$187.1 million for the BOP. This amount includes the \$9.1 million requested by the Administration for the BOP to monitor the communications of incarcerated terrorists, collect intelligence, and disseminate relevant intelligence to other law enforcement agencies.⁴¹ It also includes 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.⁴² Both amounts were also included in the previous House- and Senate-passed versions of the FY2008 supplemental appropriations bills (H.R. 2642).

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,

³⁹ U.S. Department of Justice, Federal Bureau of Prisons, *FY2009 Congressional Budget Submission*, p. 2.

⁴⁰ *Ibid.*, pp. 2-3.

⁴¹ *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.

⁴² *Ibid.*, p. H4029, and *ibid.*, p. S4313.

and practices designed to improve criminal justice responses related to domestic violence, dating violence, sexual assault, and stalking.

Table 3. Funding for Office on Violence Against Women
(budget authority in thousands of dollars)

Accounts	FY2007 Enacted	FY2008 Enacted	FY2009 Request	House Draft Bill	Senate- Reported Bill
STOP Grants	185,403	183,800	—	200,000	185,000
National Institute of Justice Earmark - Research & Development	—	1,880	—	2,000	1,880
Transitional Housing Assistance	—	17,390	—	20,000	17,390
Grants to Encourage Arrest Policies	62,433	59,220	—	60,000	59,000
Rural Domestic Violence Assistance Grants	38,768	40,420	—	41,000	42,000
Violence on College Campuses	8,962	9,400	—	10,000	9,400
Civil Legal Assistance	38,821	36,600	—	41,000	42,000
Sexual Assault Victims Services	—	9,400	—	15,000	12,000
Elder Abuse Grant Program	4,494	4,230	—	5,000	4,500
Safe Havens Project	13,753	13,630	—	15,000	14,000
Education and Training for Disabled Female Victims	7,082	6,580	—	7,000	6,580
Court-Appointed Special Advocates (CASA)	11,776	13,160	—	15,000	15,000
Training for Judicial Personnel	2,264	2,350	—	3,000	2,820
Stalking Database	2,932	2,820	—	3,000	3,030
Court Training and Improvements	—	2,820	—	3,000	2,820
Services for Children/Youth Exposed to Violence	—	2,820	—	3,000	2,770
Advocates for Youth/Services for Youth Victims	—	2,820	—	5,000	2,820
National Tribal Sex Offender Registry	—	940	—	1,000	940
Research on Violence Against Indian Women	—	940	—	1,000	940
Closed Circuit Television Grants	976	940	—	—	940
Engaging Men and Youth in Prevention	—	2,820	—	3,000	2,500
Training Programs to Assist Probation and Parole Officers	4,907	3,290	—	3,000	5,000
National Resource Center on Workplace Responses	—	940	—	1,000	940
Prevention and Prosecution of Violence Against Women and Related Victim Services Program	—	—	280,000	—	—
Total: VAWA	\$382,571	\$400,000	\$280,000	\$435,000	\$415,000

Source: House Appropriations Committee Print on the Consolidated Appropriations Act, 2008 (H.R. 2764/P.L. 110-161); Budget of the United States Government, Fiscal Year 2009 — Appendix; House Appropriations Committee-approved draft bill and report; and S. 3182 (S.Rept. 110-397).

Note: Amounts may not total due to rounding.

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 3**). 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, sexual assault and stalking, and 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."⁴³

Both the House committee-approved draft bill and the Senate-reported bill reject the Administration's consolidation proposal and would maintain OVW's current program structure. The House draft bill would provide OVW with \$435 million, an increase of 8.8% over the FY2008 enacted level and 55.4% over the FY2009 request. The Senate-reported bill would provide \$415 million, an increase of 3.8% over the FY2008 enacted level and 48.2% over the FY2009 request.

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 \$792.7 million, or nearly \$1,489.3 million less than the FY2008 appropriation of \$2,282 million. The House committee-approved draft bill includes \$2,694.1 million, an increase of 18.1% over the FY2008 enacted level and an increase of 239.8% over the FY2009 request.⁴⁴ The Senate-reported bill includes \$2,721.1 million, an increase of 19.2% over the FY2008 enacted level and an increase of 243.2% over the FY2009 request.

Justice Assistance. While the Administration's FY2009 request does not include a proposal to modify the Justice Assistance account, it includes \$134.6

⁴³ U.S. Executive Office of the President, Office of Management and Budget, *Budget for Fiscal Year 2009*, Appendix, p. 728.

⁴⁴ The House Committee-approved draft bill included funding for several programs that received appropriations for FY2008 under the Justice Assistance account under different accounts for FY2009. For example, the House-recommended bill included \$63 million for missing children program under the Juvenile Justice Programs account, \$18 million for grants to support state and local law enforcement agencies in the prevention, investigation and prosecution of Internet, high-tech and economic crimes under the State and Local Law Enforcement Assistance account, and \$45 million for RISS under the Community Oriented Policing Services account.

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 and exploited children, 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.⁴⁵

As part of the FY2009 request, the Administration proposed funding missing and exploited children under a proposed consolidated child safety and juvenile justice grant program.

The House draft bill would provide \$95 million for the Justice Assistance account, 51.6% less than the FY2008 enacted level and 29.4% less than the FY2009 request. The House bill includes \$45 million for NIJ and \$50 million for BJS. The House bill, however, funds programs that for FY2008 received funding under the Justice Assistance account under other Office of Justice Program accounts for FY2009. For example, for FY2009 the House bill includes \$10 million for victim notification and \$18 million for Internet, high-tech, and economic crimes under the State and Local Law Enforcement Assistance account, and \$45 million for RISS under the COPS account. The House bill also includes \$63 million for missing and exploited children under the Juvenile Justice programs account.

The Senate-reported bill would provide \$240 million for the Justice Assistance account, 22.3% more than the FY2008 enacted level and 78.2% more than the FY2009 request. The Senate bill includes

- \$45 million for NIJ,
- \$40 million for BJS,
- \$15 million for victim notification systems,
- \$50 million for RISS, and
- \$70 million for missing and exploited children.

⁴⁵ *Congressional Record*, Daily Edition, vol. 153 (December 17, 2007), p. H15800.

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 4**). 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;
- \$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 \$504.1 million less than the \$908.1 million⁴⁶ Congress appropriated for this program for FY2008 (see **Table 4**). The House draft bill includes \$1,277.0 million for the State and Local Law Enforcement Assistance account, 40.6% more than the FY2008 enacted level and 216.1% more than the FY2009 request. The House bill includes \$10 million for victim notification systems and \$18 million for economic, high-tech, and cybercrime prevention programs under the State and Local Law Enforcement Assistance account. For FY2008, both of these programs received appropriations under the Justice Assistance account. The Senate-reported bill includes \$1,387.0 million for this account, 52.7% more than the FY2008 enacted level and 243.3% more than the FY2009 request. The Senate bill includes \$20 million to fund provisions of the Second Chance Act (P.L. 110-199). This amount includes \$10 million for adult and juvenile offender state and local re-entry demonstration programs and \$10 million for offender re-entry mentoring programs.

In addition, the Senate-passed FY2008 Iraq war supplemental appropriation bill (H.R. 2642) included \$590 million in state and local law enforcement assistance.⁴⁷ Of this amount, \$490 million was for the Edward Byrne Memorial Justice Assistance

⁴⁶ Excluding the \$100 million in emergency funding that Congress appropriated for security at the Presidential Nominating Conventions under this program.

⁴⁷ *Congressional Record*, Daily Edition, vol. 154 (May 19, 2008), p. S4313.

Grant program.⁴⁸ This amount also included \$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.⁴⁹ The Supplemental Appropriations Act, 2008 (P.L. 110-252), includes no similar funding.

Table 4. Funding for State and Local Law Enforcement Assistance
(budget authority in thousands of dollars)

Accounts	FY2007 Enacted	FY2008 Enacted	FY2009 Request	House Draft Bill	Senate-Reported Bill
Edward Byrne Justice Assistance Grant (JAG)	519,852	170,433	—	550,000	580,000
State and Local Law Enforcement Intelligence	—	2,000	—	5,000	2,000
NIJ for Law Enforcement Technology	19,754	2,000	—	5,000	5,000
State Criminal Alien Assistance Program	399,828	410,000	—	420,000	400,000
Southwest Border Prosecution Program	—	—	—	—	25,000
Northern Border Prosecution Program	—	—	—	—	10,000
Southeast Border Prosecution Program	—	—	—	—	10,000
Indian Assistance	21,719	22,440	—	—	30,000
Tribal Prison Construction Program	8,885	8,630	—	—	15,000
Indian Tribal Courts Program	7,898	8,630	—	—	9,000
Alcohol and Substance Abuse	4,936	5,180	—	—	6,000
Edward Byrne Discretionary Grant Program	239,256	187,513	—	122,000	190,000
Edward Byrne Competitive Grant Program	—	16,000	—	30,000	40,000
Victims of Trafficking Grants	9,872	9,400	—	10,000	10,000
State Prison Drug Treatment	9,872	9,400	—	10,000	10,000
Drug Courts	9,872	15,200	—	40,000	30,000
Southwest Border Prosecution Initiative	29,617	30,080	—	35,000	—

⁴⁸ Ibid.

⁴⁹ Ibid.

Accounts	FY2007 Enacted	FY2008 Enacted	FY2009 Request	House Draft Bill	Senate- Reported Bill
Northwest Border Prosecution Initiative	—	2,820	—	—	—
Prescription Drug Monitoring	7,404	7,050	—	7,000	3,000
Prison Rape Prosecution and Prevention	17,934	17,860	—	12,500	5,000
Intelligence State and Local Training	9,872	—	—	—	—
Missing Alzheimer's Patients Program	839	940	—	1,500	2,000
Capital Litigation Grant Program	987	2,500	—	1,000	10,000
Cannabis Eradication	4,936	—	—	—	—
Mentally-Ill Offender Act Program	4,936	6,500	—	10,000	12,000
Presidential Nominating Conventions Emergency Appropriation	—	100,000	—	—	—
Victim Notification	—	—	—	10,000	—
Economic, High-Tech, & Cybercrime	—	—	—	18,000	—
Second Chance Act	—	—	—	—	20,000
Other	—	—	—	—	45,000
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	\$1,277,000	\$1,387,000

Source: House Appropriations Committee Print on the Consolidated Appropriations Act, 2008 (H.R. 2764/P.L. 110-161); Budget of the United States Government, Fiscal Year 2009 — Appendix; House Appropriations Committee-approved draft bill and report; and S. 3182 (S.Rept. 110-397).

Note: Amounts may not total due to rounding.

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). The House committee-approved draft bill includes \$15 million for the Weed and Seed program, 53.3% less than the FY2008 enacted level.⁵⁰ The Senate-reported bill includes \$25 million for Weed and Seed, 22.1% less than the FY2008 enacted level.

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 (see **Table 5**). For FY2009, the House draft bill includes \$627 million for COPS, 6.8% more than the FY2008 enacted level. In the House bill, the COPS account includes funding for several programs that received funding under other OJP accounts for FY2008. For example, the House bill includes \$25 million for Indian Assistance, \$20 million for school security programs, and \$45 million for RISS, which were funded under the State and Local Law Enforcement Assistance, Juvenile Justice Programs, and Justice Assistance accounts, respectively, for FY2008. The House bill also includes \$15 million for Weed and Seed under the COPS account. For FY2008, Weed and Seed was funded under its own separate account. The Senate-reported bill includes \$600 million for COPS, 2.2% more than the FY2008 enacted level.

Table 5. Funding for the COPS Program
(budget authority in thousands of dollars)

Accounts	FY2007 Enacted	FY2008 Enacted	FY2009 Request	House Draft Bill	Senate-Reported
COPS Hiring Program	—	20,000	—	40,000	50,000
Training and Technical Assistance	9,546	3,760	—	4,000	6,000
Tribal Law Enforcement Programs	15,808	15,040	—	20,000	15,040
Indian Assistance	—	—	—	25,000	—
Tribal Prison Construction Program	—	—	—	12,000	—
Indian Tribal Courts Program	—	—	—	8,000	—
Alcohol and Substance Abuse	—	—	—	5,000	—
Methamphetamine Enforcement and Clean-up	70,000	61,187	—	35,000	61,187
Bullet-proof Vest Program	29,617	25,850	—	25,000	25,850
Law Enforcement Technology Program	166,145	205,366	—	145,000	110,000

⁵⁰ The House Committee-approved draft bill included funding for the Weed and Seed program under the Community Oriented Policing Services account instead of appropriating funding for the program under its own account.

Accounts	FY2007 Enacted	FY2008 Enacted	FY2009 Request	House Draft Bill	Senate- Reported
Crime Identification Technology Programs	28,408	—	—	—	—
NICS	—	—	—	15,000	—
National Criminal History Improvement Program	9,872	9,400	—	10,000	5,960
DNA Initiative	112,145	—	—	—	—
DNA Forensic Programs	—	152,272	—	153,000	180,963
Debbie Smith DNA Backlog Grant Program	—	147,391	—	150,000	151,000
Kirk Bloodsworth DNA Post-Conviction Testing	—	4,881	—	3,000	5,000
DNA Training and Education	—	—	—	—	6,000
DNA Research and Development	—	—	—	—	5,000
DNA Identification of Missing Persons	—	—	—	—	3,000
DNA Evidence Analysis Turn Around Time	—	—	—	—	10,983
Coverdell Forensic Science	18,264	18,800	—	—	40,000
Project Safe Neighborhoods	20,613	—	—	—	—
Offender Re-entry Program	14,879	11,750	—	45,000	—
Anti-gang Program	45,000	—	—	—	20,000
Anti-gang and Gun Violence Program	—	20,000	—	15,000	—
Child Sexual Predator Program	—	15,608	—	10,000	55,000
Sex Offender Management Assistance	—	4,162	—	—	—
National Sex Offender Public Registry	—	850	—	1,000	—
Secure Our Schools Act	—	—	—	20,000	—
Regional Information Sharing System	—	—	—	45,000	—
Wrongful Prosecutions	—	—	—	5,000	—
Weed & Seed	—	—	—	15,000	—
Management and Administration	1,541	28,200	—	—	30,000
Total: Community Oriented Policing	\$541,838	\$587,233	—	\$627,000	\$600,000

Source: House Appropriations Committee Print on the Consolidated Appropriations Act, 2008 (H.R. 2764/P.L. 110-161); Budget of the United States Government, Fiscal Year 2009 — Appendix; House Appropriations Committee-approved draft bill and report; and S. 3182 (S.Rept. 110-397).

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 6**). 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 6. Funding for Juvenile Justice Programs
(budget authority in thousands of dollars)

Accounts	FY2007 Enacted	FY2008 Enacted	FY2009 Request	House Draft	Senate- Reported
Part A - Coordinate Federal Efforts	703	658	—	—	500
Part B - Formula Grants	78,978	74,260	—	75,000	74,500
Part E - Demonstration Projects	104,674	93,835	—	75,000	65,000
Title V - Incentive Grants	64,171	61,100	—	40,000	65,000
Tribal Youth Program	9,872	14,100	—	25,000	15,000
Gang Prevention Program	24,680	18,800	—	15,000	10,000
Enforcing Underage Drinking Laws	24,680	25,000	—	—	25,000
Secure Our Schools Act	14,808	15,040	—	—	10,000
Juvenile Accountability Block Grant	49,361	51,700	—	55,000	80,000
Project ChildSafe	987	—	—	—	—
Missing and Exploited Children Program ^a	—	—	—	63,000	—
Juvenile Mentoring Programs	9,872	70,000	—	100,000	80,000
Victims of Child Abuse Act Programs	14,808	16,920	—	23,000	25,000
Child Safety and Juvenile Justice Grants	—	—	185,000	—	—
Total: Juvenile Justice Programs	\$338,362	\$383,513	\$185,000	\$431,000	\$400,000

Source: *House Appropriations Committee Print on the Consolidated Appropriations Act, 2008 (H.R. 2764/P.L. 110-161); Budget of the United States Government, Fiscal Year 2009 — Appendix; House Appropriations Committee-approved draft bill and report; and S. 3182 (S.Rept. 110-397).*

Note: Amounts may not total due to rounding.

- a. The Missing and Exploited Children program has been funded historically under the Justice Assistance account.

Table 6 also provides the enacted FY2008 funding level for Juvenile Justice programs of \$383.5 million, as allocated by program. Both the House and Senate Appropriations Committees rejected the Administration's consolidation proposal and have approved funding along the lines of the FY2008 juvenile justice program account and subaccount structure. The House draft bill would provide \$431 million for Juvenile Justice Programs, 12.4% more than the FY2008 enacted level and 133% more than the FY2009 request. The Senate-passed bill includes \$400 million, 4.3% more than the FY2008 enacted level and 116.2% more than the FY2009 request.

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 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. For FY2008, Congress appropriated \$74.8 million for the PSOB program.⁵³ For FY2009, the Administration has requested \$69.1 million for the PSOB program, which is 7.6% less than what was appropriated for FY2008. Both the House draft bill and Senate-reported bill include the same amount as requested by the Administration.

Salaries and Expenses. The House committee-approved draft bill includes an account that would provide \$195 million for salaries and expenses of OJP, OVW, and COPS. Of the \$195 million, up to \$14 million would be provided for OVW, up to \$130 million for OJP, and up to \$30 million for COPS. In addition, up to \$21 million would be provided for the Office of Audit, Assessment, and Management (OAAM) under OJP.

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 Amendments Act of 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.⁵⁴ The Senate Judiciary Committee approved similar, but not identical, NICS improvement amendments as part of the School Safety and Law Enforcement

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

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 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/>].

⁵⁴ Jonathan Weisman, "Democrats, NRA Reach Deal on Background-Check Bill," *Washington Post*, June 10, 2007, p. A02.

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.⁵⁵ P.L. 110-180 also requires states, as a condition of federal assistance, as well as federal agencies like the Department of 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.⁵⁶ 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

⁵⁵ 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).

⁵⁶ 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.

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 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 billion 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. The House passed S. 231 on July 14, 2008, clearing the measure for the President.

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 amend 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.

H.R. 5057 (Maloney)

Debbie Smith Reauthorization Act of 2008. H.R. 5057 would reauthorize appropriations for the Debbie Smith DNA Backlog Grant program. The bill would authorize \$151 million for FY2009 and \$200 million for each fiscal year for FY2010 through FY2014. The bill would also authorize appropriations for a variety of other DNA grant programs and projects, including a study on the resources and other requirements necessary to eliminate the DNA backlog and grants for purchasing or improving forensic DNA technology. H.R. 5057 was introduced on January 17, 2008. It was amended at a House Judiciary Committee mark-up on June 11, 2008. The bill was reported and passed by the House on July 14, 2008.

H.R. 6028 (Berman)

Merida Initiative to Combat Illicit Narcotics and Reduce Organized Crime Authorization Act of 2008. This bill includes a provision that would authorize to be appropriated over three years, for FY2008 through FY2010, a total of \$73.5 million to increase the number of ATF positions dedicated to Project Gunrunner (\$45 million) and assign ATF agents to Mexico (\$28.5 million). Such resources are to be provided to stem the flow of illegal firearms being trafficked from the United States into Mexico. The Committee on Foreign Affairs reported H.R. 6028 (H.Rept. 110-673) on May 22, 2008. The House passed H.R. 6028 on June 10, 2008, by a roll call vote of 311 to 106 (Roll no. 393).

Related CRS Products

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

CRS Report RL33308, *Community Oriented Policing Services (COPS): Background, Legislation, and Issues Community Oriented Policing Services (COPS) Program*, by Nathan James.

CRS Report RS22416, *Edward Byrne Memorial Justice Assistance Grant Program: Legislative and Funding History*, by Nathan James.

CRS Report RL32824, *Federal Crime Control: Background, Legislation and Issues*, by Lisa M. Seghetti.

CRS Report RL32842, *Gun Control Legislation*, by William J. Krouse.

CRS Report RS22458, *Gun Control: Statutory Disclosure Limitations on ATF Firearms Trace Data and Multiple Handgun Sales Reports*, by William J. Krouse.

CRS Report RL33403, *Hate Crime Legislation in the 109th Congress*, by William J. Krouse.

CRS Report RL33033, *Intelligence Reform at the Federal Bureau of Investigation: Issues and Options for Congress*, by Alfred Cumming and Todd Masse.

CRS Report RS22070, *Juvenile Justice: Overview of Legislative History and Funding Trends*, by Blas Nuñez-Neto.

CRS Report RS22655, *Juvenile Justice Funding Trends*, by Blas Nuñez-Neto.

CRS Report RL33947, *Juvenile Justice: Legislative History and Current Legislative Issues*, by Blas Nuñez-Neto.

CRS Report RL34050, *Missing and Exploited Children: Background and Policies and Issues*, by Adrienne Fernandes.

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

CRS Report RL32800, *Sex Offender Registration and Community Notification Law: Enforcement and Other Issues*, by Garrine P. Laney.

CRS Report RL33011, *Terrorist Screening and Brady Background Checks for Firearms*, by William J. Krouse.

CRS Report RL32579, *Victims of Crime Compensation and Assistance: Background and Funding*, by Celinda Franco.

CRS Report RL30871, *Violence Against Women Act: History and Federal Funding*,
by Garrine P. Laney.

CRS Report RL33400, *Youth Gangs: Background, Legislation and Issues*, by
Celinda Franco.