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ONE HUNDRED TWELFTH CONGRESS

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON THE JUDICIARY

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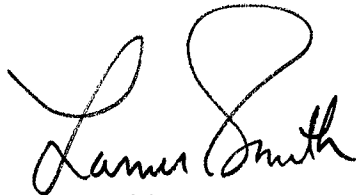
March 18, 2011

The Honorable Paul Ryan  
Chairman  
Committee on the Budget  
207 Cannon House Office Building  
Washington, D.C. 20515

The Honorable Chris Van Hollen  
Ranking Member  
Committee on the Budget  
B71 Cannon House Office Building  
Washington, D.C. 20515

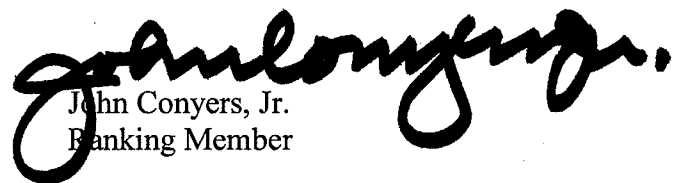
Dear Chairman Ryan and Ranking Member Van Hollen,

Pursuant to section 301(d) of the Congressional Budget Act of 1974 (2 U.S.C. § 632(d)) and House Rule X, clause 4(f)(1), we are submitting the views and estimates of the Committee on the Judiciary on the President's budget proposal for Fiscal Year 2012. These views and estimates encompass a broad range of programs within the Judiciary Committee's jurisdiction. We hope that they provide valuable guidance to your Committee as you prepare the budget resolution. We note that, while this document reflects the bipartisan view of the Members of this Committee, some Members may have individual views that are not reflected in this document. Please feel free to contact us or our staffs should you have any questions or concerns.



Lamar Smith  
Chairman

Sincerely,



John Conyers, Jr.  
Ranking Member

Enclosure

**COMMITTEE ON THE JUDICIARY  
VIEWS AND ESTIMATES FOR FISCAL YEAR 2012**

The following presents the views and estimates of the Committee on the Judiciary regarding the President's fiscal year 2012 budget request on matters within the Committee's Rule X jurisdiction.

The Committee recognizes that the Federal government currently faces significant budgetary constraints that will require federal departments and agencies to meet their respective missions and perform their functions while receiving fewer resources. The departments and agencies that fall within the Committee's jurisdiction serve a unique function in that they are among the few departments and agencies that perform functions specifically called for in the U.S. Constitution. Their related expenditures should be assessed in light of the core functions and responsibilities of the Federal government as defined by the U.S. Constitution.

The departments and agencies within the Committee's jurisdiction have made various spending reduction proposals. The Committee will assess those proposals, but the Committee will not support reductions that would put national security or public safety at risk.

**MANDATORY SPENDING**

**FEDERAL JUDICIARY**

The Federal Judiciary is comprised of the U.S. Supreme Court and the lower federal courts. Combined, they adjudicate criminal and civil disputes and carry out other constitutional and congressionally allotted responsibilities.

The Federal Judiciary's budget request of \$7.3 billion for FY 2012 includes funding for the following institutions and programs: The U.S. Supreme Court; the U.S. Court of Appeals for the Federal Circuit; the U.S. Court of International Trade; the (regional) courts of appeals, district courts, and other judicial services; defender services; fees of jurors; court security; the Administrative Office of the U.S. Courts; the Federal Judicial Center; judicial retirement funds; and the U.S. Sentencing Commission. The Committee supports an FY 2012 funding level of \$7.3 billion or, if less, at a level necessary for the Federal Judiciary to complete its mission.

**DISCRETIONARY SPENDING**

**ADMINISTRATIVE CONFERENCE OF THE UNITED STATES**

The Administrative Conference of the United States (ACUS) is a nonpartisan body that makes many cost-saving recommendations intended to improve the efficiency and efficacy of regulatory law and practice. The Regulatory Improvement Act of 2007, Pub. L. 110-290, authorized ACUS from FY 2009 through FY 2011 and authorized \$3.2 million to be

appropriated to ACUS for FY 2011. The Judiciary Committee will seek to reauthorize ACUS this session at a level appropriate to accomplish its mission.

The President's budget for FY 2012 requests \$3.2 million for ACUS. Recognizing current budgetary constraints and ACUS' mission to identify agency cost-saving measures, the Committee supports funding ACUS at a level necessary to accomplish its mission.

### **ANTITRUST DIVISION (DOJ)**

For FY 2012, the President requests \$166.221 million for the Antitrust Division, an increase of \$3.051 million from FY 2011 CR funding levels. Mandatory pre-merger filing fees paid by companies planning to merge are typically used to offset a majority of the Antitrust Division's funding. The Antitrust Division estimates receipt of \$110.000 million in filing fees in FY 2012. As a result of this fee collection, the Antitrust Division's budget request anticipates an estimated final FY 2012 appropriation from the general fund of \$56.221 million.

The Committee supports funding the Antitrust Division at levels necessary to accomplish its various missions.

### **EXECUTIVE OFFICE FOR U.S. ATTORNEYS (DOJ)**

There are 93 U.S. Attorneys located throughout the United States, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico and the Virgin Islands. The U.S. Attorneys who lead each office are the chief law enforcement representatives of the Attorney General. Each enforces Federal criminal law, handles most of the civil litigation in which the United States is involved, and initiates proceedings for the collection of fines, penalties, and forfeitures owed to the United States. The Executive Office of U.S. Attorneys (EOUSA), located in Washington, D.C., at the Department of Justice, is entrusted with the task of coordinating the efforts of these U.S. Attorneys with the policies and priorities of the Attorney General and supervising their activities.

The FY 2012 Presidential Budget Request proposes \$1,995.1 million for necessary expenses which is \$61.1 million over the FY 2011 CR funding level. This request includes 47 new positions, including 29 attorneys, over the FY 2011 CR of 10,629 direct authorized positions. Recognizing current budgetary constraints, the Committee supports funding EOUSA at levels that will allow it to accomplish its mission.

### **MEDICAL MALPRACTICE**

The Administration's FY 2012 Budget proposes \$250 million in mandatory funds for states to reform their laws on medical malpractice. The Administration has not, to date, provided specific legislative proposals concerning medical malpractice reform.

A majority of the Committee recently voted to report H.R. 5, which limits malpractice lawsuits.

Recognizing current budgetary restraints, and pending specific legislative proposals from the Administration, the Committee withholds judgment on the need for the requested funding.

## **GENERAL LEGAL ACTIVITIES (DOJ)**

### **Office of the Solicitor General**

The Office of the Solicitor General supervises and processes all appellate matters and represents the United States and federal agencies in the Supreme Court. The FY 2012 Presidential Budget Request proposes \$11.348 million for the Office of the Solicitor General, which is an increase of \$539,000 over the FY 2010 enacted budget. The Committee considers the work of the Solicitor General an important element of the role played by the Department of Justice. Recognizing current budgetary constraints, the Committee supports funding the Solicitor General's office at a level necessary to accomplish its mission.

### **Civil Division**

The Civil Division represents the United States, its departments and agencies, Members of Congress, Cabinet officers, and other Federal employees in litigation in Federal and State courts. Its litigation reflects the diversity of government activities, involving, for example: False Claims Act litigation to protect the federal fisc; defense of challenges to Executive Branch actions; national security issues; commercial issues such as contract disputes, banking insurance, patents, fraud and debt collection; all manner of accident and liability claims; benefit programs; certain immigration matters; and certain violations of consumer protection laws. Each year, Division attorneys handle thousands of cases that collectively involve billions of dollars in claims and recoveries. The Division manages litigation over significant policy issues that often rise to constitutional dimensions in defending and enforcing various Federal programs and actions.

For FY 2012, the Administration requests \$310.112 million for the Civil Division, an increase of \$22.354 million over the FY 2010 enacted budget. The Committee considers the work of the Civil Division important to the mission of the Department of Justice. Recognizing current budgetary constraints, the Committee supports funding the Civil Division at a level necessary to accomplish its mission.

### **Environment and Natural Resources Division**

The Environment and Natural Resources Division (ENRD) of the Department of Justice enforces the Nation's civil and criminal environmental laws; defends environmental challenges to federal laws and actions; and performs a variety of other important legal activities related to the environment and our nation's natural resources. Its activities include, for example, litigation concerning the Clean Air Act; the Clean Water Act; the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund); defense against environmental challenges to Federal programs and activities; the protection, use, and development of national natural resources and public lands; the Endangered Species Act; Indian rights and claims; and the acquisition of private property for Federal use.

The President's budget for FY 2012 requests \$117.244 million for ENRD, an increase of \$2.459 million over the FY 2010 enacted amount. Recognizing current budgetary constraints, the Committee supports funding ENRD at a level necessary to accomplish its mission.

### **Civil Rights Division**

The Civil Rights Division of the Department of Justice is responsible for enforcing Federal statutes guaranteeing every American's civil rights and prohibiting discrimination on the basis of race, sex, disability, religion, and national origin. The Division enforces Federal laws that protect every Americans' civil rights and freedom from discrimination in education, employment, credit, housing, certain federally funded and conducted programs, and voting.

The Division has eleven sections: Appellate, Coordination and Review, Criminal, Disability Rights, Educational Opportunities, Employment Litigation, Housing and Civil Enforcement, Office of Special Counsel for Immigration Related Unfair Employment Practices, Special Litigation, Administrative Management, and Voting.

The Administration has requested \$161.755 million for the Civil Rights Division in FY 2012, an increase of \$16.3 million from FY 2011 CR funding levels. The Division received a significant funding increase in FY 2010. Recognizing current budgetary constraints, the Committee supports funding the Civil Rights Division at a level necessary to accomplish its various missions, based on demonstrated need.

### **Criminal Division**

The Criminal Division of the Department of Justice is responsible for supervising the application of all federal criminal laws except those specifically assigned to other divisions. Its mission is to identify and respond to critical and emerging national and international criminal threats, and to lead the enforcement, regulatory, and intelligence communities in a coordinated, nationwide response to reduce those threats. The Division provides expert guidance and advice to U.S. Attorneys and other federal, state, and local prosecutors and investigative agencies, as well as foreign criminal justice systems. It also oversees the use of the most sophisticated investigative tools available to federal law enforcement, including all federal electronic surveillance requests in criminal cases, and secures the return of fugitives and other assistance from foreign countries.

For FY 2012, the President requests \$200.602 million for the Criminal Division, an increase of \$23.741 million from FY 2011 CR funding levels. The additional funding requested by the Administration will maintain the current level of services while providing funding for resources to expand operations against computing crimes and intellectual property crimes internationally. Specifically, the increase will allow DOJ to place 6 attorneys (at a cost of \$2.95 million) as DOJ Attachés overseas to fight transnational crime, with particular emphasis on intellectual property crime. These DOJ Attachés will serve as regional International Computer Hacking and Intellectual Property coordinators (ICHIPs) and will be well-positioned to combat the increasing threat of transnational crime, especially intellectual property crime.

Recognizing current budgetary constraints, the Committee supports funding the Criminal Division at a level necessary to accomplish its various missions.

### **Tax Division**

The Tax Division of the Department of Justice represents the United States in virtually all litigation arising under the internal revenue laws. This work includes both a civil component as well as assistance to U.S. Attorneys in prosecuting criminal tax violations. In addition, the Division's attorneys lend their financial crimes expertise to the enforcement of other laws with financial aspects.

The President request \$113.0 million for the Tax Division for FY 2012, an increase of \$7.2 million over its FY 2011 CR funding level. Recognizing current budgetary constraints, the Committee supports funding the Tax Division at levels necessary to accomplish its mission, but notes that every additional dollar provided to the Tax Division will result in many additional dollars being recovered for the Treasury.

### **U.S. National Central Bureau (INTERPOL Washington)**

The U.S. National Central Bureau (INTERPOL Washington) facilitates cooperation and information sharing among police agencies in different countries. It is the link between more than 18,000 Federal, state, and local law enforcement authorities and the 187 other member countries for INTERPOL-related matters. The main goals of INTERPOL Washington are facilitating international law enforcement cooperation; transmitting information of a criminal justice, humanitarian or other law enforcement related nature between law enforcement agencies; responding to law enforcement requests; coordinating and integrating information for investigations of an international nature, and identifying patterns and trends in criminal activities. INTERPOL Washington also actively screens all inbound international flights for passports that are reported as lost or stolen to INTERPOL and generates over 200 hits monthly that require human analysis.

The President's FY 2012 budget requests \$33.5 million for INTERPOL Washington, reflecting an increase of \$3.4 million over its FY 2011 CR funding levels. The Committee supports INTERPOL Washington's continued efforts to enhance information sharing amongst international police authorities. In anticipation of reduced spending levels, the Committee supports funding INTERPOL Washington at a level allowing it to achieve its mission.

### **U.S. TRUSTEE PROGRAM (DOJ)**

The U.S. Trustee Program is charged with supervising the administration of bankruptcy cases and trustees. Its mission is to protect and preserve the integrity of the U.S. bankruptcy system by regulating the conduct of parties, ensuring compliance with applicable laws and procedures, bringing civil actions to address bankruptcy abuse, securing the just and efficient resolution of bankruptcy cases, and referring bankruptcy crimes for prosecution. The Program is self-funded through user fees paid by participants in the bankruptcy system. The Program's appropriation is offset by fees it collects during the fiscal year. These monies are paid into the

U.S. Trustee System Fund. Approximately 56% of the Program's funding is subsidized by quarterly fees paid by Chapter 11 debtors. The remaining 44% of its funding is derived from a portion of filing fees paid to commence bankruptcy cases, interest earnings, and other miscellaneous revenues.

The President requests \$234.115 million for FY 2012 for the U.S. Trustee Program, which represents a \$14.865 million increase over FY 2010 enacted appropriations. Recognizing current budgetary constraints, the Committee supports funding the U.S. Trustee Program at a level necessary to accomplish its mission.

#### **OFFICE OF THE INSPECTOR GENERAL (DOJ)**

The Office of the Inspector General (OIG) is an independent office within the Justice Department that is charged with conducting investigations, audits, inspections, and special reviews of Justice Department personnel and programs to detect and deter waste, fraud, abuse, and misconduct, and to promote integrity, economy, efficiency, and effectiveness in Department operations. For FY 2012, the President requests \$85.1 million for OIG, an increase of \$0.7 million over the FY 2011 CR funding level. The Committee supports the work of the OIG. Recognizing current budgetary constraints, the Committee supports funding OIG at a level that will allow it to accomplish its mission.

#### **US OFFICE OF THE INTELLECTUAL PROPERTY ENFORCEMENT COORDINATOR (US-IPEC)**

The Committee has determined that intellectual property theft presents a substantial threat and imposes significant harm, including major economic damage, on the United States. To address this problem, the Committee authorized, through the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (PRO-IP Act, P.L. 110-403), the creation of an Intellectual Property Enforcement Coordinator (IPEC) within the Executive Office of the President. The IPEC chairs an interagency intellectual property enforcement advisory committee, coordinates the development of the Joint Strategic Plan against counterfeiting and infringement and provides other assistance in the coordination of intellectual property enforcement efforts. The first IPEC was appointed in December 2009. The Committee urges the Administration to provide a detailed plan to staff the office with permanent FTEs, appropriate resources and a travel budget and supports such sums as are necessary to enable the IPEC to fully execute her statutory duties.

#### **NATIONAL SECURITY DIVISION (DOJ)**

The National Security Division (NSD) was authorized by Congress in the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177), which was enacted in 2006. The NSD consists of the elements of the Department of Justice (other than the Federal Bureau of Investigation) engaged primarily in support of the intelligence and intelligence-related activities of the United States Government, including: (1) the Assistant Attorney General for National Security, (2) the Office of Intelligence Policy and Review, (3) the

counterterrorism section, (4) the counterespionage section, and (5) any other office designated by the Attorney General.

For FY 2012, the President requests \$87.882 million for NSD, a decrease of \$56,000, but an increase of 18 permanent positions (including 2 attorneys), and 10 FTE. The NSD's total requested program improvements for FY 2012 will expand the Division's support of goal one of the Department's Strategic Plan, which is the prevention of terrorism and the promotion of the Nation's security.

The Committee supports the important work of the National Security Division and recommends funding the Division at levels necessary to carry out its mission.

### **COMMUNITY RELATIONS SERVICE**

The Community Relations Service assists State and local governments in quelling conflict arising from differences of race, color, and national origin, and to prevent and respond to alleged violent hate crimes committed on the basis of actual or perceived race, color, national origin, gender, gender identity, sexual orientation, religion or disability.

The President requests \$12.967 million for the Community Relations Service in FY 2012, an increase of \$1.488 million from FY 2011 funding levels. The Service argues that this increase is needed to continue its work to meet the expanded jurisdiction created by the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (P.L. 111-84, 2009). Recognizing current budgetary constraints, the Committee supports funding the Community Relations Service at levels necessary to continue performing its mission.

### **FEDERAL BUREAU OF INVESTIGATION (DOJ)**

The Federal Bureau of Investigation (FBI) is the Nation's largest federal law enforcement agency, charged with investigating terrorism, cybercrimes, public corruption, white collar crime, organized crime, civil rights violations, and other federal offenses.

For FY 2012, the President requests \$8.076 billion for the FBI. The request includes a total of \$7.994 billion for Salaries and Expenses and \$80.982 million for Construction to address the FBI's highest priorities. The request includes a base increase of \$248 million to maintain service levels and program increases of \$131.450 million and 181 positions.

Of the \$131.450 million, \$10.495 million is requested to support Information Technology purposes. The FBI will use the increased appropriation to enhance investigatory capabilities and protect critical technology network infrastructure, as well as, establish a Domestic Communications Assistance Center to support law enforcement's electronic surveillance capabilities, among other priorities.

The FBI has identified mortgage fraud as its most significant white collar crime issue, and the number of pending investigations of mortgage fraud against financial institutions has been rising annually. The Fraud Enforcement and Recovery Act (FERA, P.L. 111-21) was



enacted in 2009 to combat this problem and other financial crimes. The Committee supports funding for FBI mortgage fraud investigations.

The FBI maintains the National Instant Criminal Background Check System (NICS), which contains records of persons who are legally prohibited from possessing firearms. In 2007, Congress passed the NICS Improvements Amendments Act after the tragic shootings at Virginia Tech revealed that the states were not submitting to NICS a large volume of disqualifying mental health records. The Committee supports funding for the NICS system.

The Committee recommends the FBI be funded at a level necessary to achieve its important objectives.

### **U.S. MARSHALS SERVICE (DOJ)**

The U.S. Marshals Service (USMS) has varied responsibilities. The USMS administers the Asset Forfeiture Program of the Justice Department; conducts investigations involving escaped federal prisoners and other fugitives; ensures safety at judicial proceedings; assumes custody of individuals arrested by all federal agencies; houses and transports prisoners; and manages the Witness Security Program. \$1.152 billion was appropriated for FY 2010 and the President's request for FY 2012 is \$1.259 billion. The Salaries and Expenses (S&E) appropriation is \$1.244 billion and \$15.625 million is appropriated for Construction. This is an increase of \$107 million.

The Committee supports funding for the USMS at levels necessary to accomplish its various missions.

### **ASSETS FORFEITURE FUND**

The Assets Forfeiture Fund (AFF) was established pursuant to the Comprehensive Crime Control Act of 1984. The USMS administers the program by managing and disposing of properties seized by and forfeited to federal law enforcement agencies and U.S. Attorneys nationwide. AFF is used to receive the proceeds of forfeiture and to pay the costs associated with forfeitures, including the costs of managing and disposing of property, satisfying valid liens, mortgages, and other innocent owner claims, and costs associated with accomplishing the legal forfeiture of the property. The Attorney General is authorized to use AFF to pay such necessary expenses associated with forfeitures. The Fund may also be used to finance certain general investigative expenses, as enumerated in 28 U.S.C. §524(c).

For FY 2012, the President requests \$20.99 million in definite authority for expenses of the AFF to support the Department's Strategic Goal 2: To prevent crime, enforce Federal laws and represent the rights and interests of the American people. The Committee supports the President's overall proposal for the AFF FY 2012 budget and will continue to monitor any proposed diversions or transfers of Fund resources, particularly with regard to any proposed use of Fund monies for purposes outside of the jurisdiction of the Committee.

## **BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES (DOJ)**

The mission of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) is to reduce violent crime, prevent terrorism, and protect the United States through enforcing laws and regulating the firearms and explosives industries. For FY 2010 ATF received \$1.12 billion. For FY 2012, the President requests \$1.147 billion. This request includes \$58.338 million in adjustments to base to maintain current service levels and program improvements of \$1.519 million to establish a Domestic Communications Assistance Center to support law enforcement's electronic surveillance capabilities. The budget also requests program offsets of \$27.334 million.

Recognizing current budgetary constraints, the Committee supports funding ATF at levels necessary to accomplish its various missions.

## **DRUG ENFORCEMENT ADMINISTRATION (DOJ)**

The Drug Enforcement Administration (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. The FY 2011 CR allocated \$2.019 billion for the DEA. DEA's FY 2012 budget request totals \$2.042 billion, an increase of \$22 million, which includes \$10 million in construction funding and a cancellation of unobligated balances totaling \$30 million.

The Committee recommends funding at an appropriate level for FY 2012.

## **FEDERAL BUREAU OF PRISONS (DOJ)**

The Federal Bureau of Prisons (BOP) is responsible for confining Federal offenders in prisons and community-based facilities. For FY 2012, \$6.824 billion has been proposed for the administration, operation, and maintenance of Federal penal and correctional institutions. This budget proposal covers \$6.724 billion in salaries and expenses and \$99.394 million for buildings and facilities which maintains prior year expenditure levels without an increase to offset an increasing prisoner population. BOP does not and cannot control the number of inmates committed to its custody, and adequate resources are needed to assure the safety of inmates, employees, and visitors, while providing appropriate rehabilitation for offenders.

The Committee recommends funding at an appropriate level for FY 2012.

## **HEALTH CARE FRAUD (DOJ)**

The Health Insurance Portability and Accountability Act (HIPAA) directed that the Department of Justice (DOJ) and the Department of Health and Human Services (HHS) establish a joint Health Care Fraud and Abuse Control (HCFAC) program. The President's FY 2012 budget requests an increase in discretionary funding for the HCFAC program to \$581 million. Funding to combat health care fraud is a sound investment from the standpoint of protecting our citizens and recapturing money obtained by criminals. In FY 2010, DOJ and HHS announced over \$4.0 billion in recoveries and payments to the Medicare Trust Fund, returned to victim

programs, and others. The 3-year average Return-on-Investment for the HCFAC program was \$6.8 to \$1.0.

## **OFFICE OF THE FEDERAL DETENTION TRUSTEE**

The mission of the Office of the Federal Detention Trustee (OFDT) is to manage and regulate the federal detention programs and the Justice Prisoner and Alien Transportation System. OFDT coordinates detention strategies and policy with the USMS, the BOP and the Department of Homeland Security's Immigration and Customs Enforcement and is led by the Federal Detention Trustee who is appointed by the Attorney General. The President's budget requests \$1,595.4 million for FY 2012, which is a \$156.7 million increase from the FY 2011 CR funding level of \$1,438.7 million. As with the BOP, the OFDT has no control over inmates committed to its custody. Recognizing current budget constraints, the Committee recommends funding OFDT at a level necessary to achieve its important mission.

## **OFFICE OF JUSTICE PROGRAMS (DOJ)**

The President requests for the Office of Justice Programs (OJP) a budget of \$3.0 billion, 730 positions, and 716 FTEs for FY 2012. This request level includes total increases of \$782.5 million (including a \$145.0 million increase to the Crime Victims Fund and \$250.0 million increase for the new mandatory Grants to States for Medical Malpractice Reform program) and total offsets of \$1.078 billion, for a net decrease of \$295.5 million from the FY 2011 Continuing Resolution level of \$3.1 billion. The request includes a total of \$8.5 million in adjustments-to-base. The request reflects \$0.2 million under the OJP Salaries and Expenses appropriation and \$2.8 billion in OJP grant programs.

### **Byrne Justice Assistance Grants**

The Byrne Justice Assistance Grants (Byrne JAG) program provides direct grants to states and local communities for a number of purposes, including funding local drug task forces. It is the only source of Federal funding for multi-jurisdictional efforts to prevent, fight, and prosecute drug-related and violent crime. For FY 2012, the President requests \$519 million for the Edward Byrne Memorial Justice Assistance Grant program, which is the same amount as requested in FY 2010 and 2011.

In FY 2012, the President's budget requests \$30.0 million for the new Byrne Criminal Justice Innovation program, to provide demonstration grants in selected communities to support innovative, place-based, evidence-based approaches to fighting crime.

OJP requests no funding for FY 2012 for the Byrne Discretionary Grant program. This program awards discretionary grants to state, local, and tribal law enforcement and criminal justice agencies, non-profit organizations and community groups to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation). Justification Funding provided through the Byrne Discretionary Grants program is traditionally earmarked by Congress, which automatically

entitles recipients who meet the program's minimum requirements to receive a grant. Both the President and Congress have expressed concerns about earmarks.

The President's FY 2012 Budget proposes \$25.0 million for the Byrne Competitive Grant program, a decrease of \$15 million from the FY 2011 CR level. This program awards grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation). The program focuses on seven purpose areas, including: Preventing crime; enhancing local law enforcement; and enhancing local courts.

The FY 2012 President's budget requests \$60.0 million for the Missing and Exploited Children Program (MECP), a decrease of \$10.0 million from the FY 2011 CR level.

In anticipation of reduced spending levels, the Committee supports funding Byrne JAG at levels necessary to accomplish its various missions.

### **DNA Backlog Elimination**

The Committee supports full funding for the Debbie Smith Act, which funds reducing the backlog of DNA evidence in the Nation's labs, as well as the Innocence Protection Act, which funds post-conviction DNA testing. This technology is crucial and as it is increasingly used, an increasing amount of departments are amassing biological evidence for use in criminal cases. However, using the technology and storing the evidence is costly.

For FY 2011, the President's request for the DNA Related and Forensics Program was \$151 million. For FY 2012, the President's request for this program (which also includes funding for DNA training for law enforcement and others, as well as the Sexual Assault Forensic Exam Program) is \$110 million. The Committee supports funding these DNA programs at appropriate levels.

### **Juvenile Justice**

OJP requests \$280.0 million for the Juvenile Justice Programs account, which is \$143.6 million below the FY 2011 CR level.

This account includes programs that support state, local, and tribal community efforts to develop and implement effective and coordinated prevention and intervention juvenile programs. The objectives of these programs are to reduce juvenile delinquency and crime, improve the juvenile justice system so that it protects public safety, hold offenders accountable, and provide treatment and rehabilitative services tailored to the needs of juveniles and their families.

In FY 2012, the President's budget does not request funding for the Juvenile Accountability Block Grant (JABG) program, a decrease of \$55.0 million from the FY 2011 CR level. For FY 2012, JABG is being consolidated under the new Race to the Top-style Juvenile Incentive System Improvement Grants program. That program is being requested at \$120.0 million. This new grant program will consolidate existing formula grants targeting juvenile system improvements.

For FY 2012, recognizing current budgetary constraints, the Committee supports funding Juvenile Justice at levels necessary to accomplish its various missions.

### **Residential Substance Abuse Treatment**

The Residential Substance Abuse Treatment program for state prisoners helps state and local governments develop, implement, and improve residential substance abuse treatment programs in correctional facilities, and provides community-based aftercare services for their probationers and parolees to assist them in remaining drug-free. The program was funded at \$30 million in FY 2010. The Committee supports funding the program at the appropriate level.

### **State Criminal Alien Assistance Program**

State and local governments have had to bear an immense fiscal burden as a result of incarcerating criminal aliens. Although control of our nation's borders is a federal responsibility, states and localities are only partially reimbursed for these expenditures. The Committee believes that the State Criminal Alien Assistance Program (SCAAP) should be adequately funded to assist state and local jurisdictions.

### **Adam Walsh Act**

The Adam Walsh Child Protection and Safety Act was enacted in 2006. Title I of the Act, the Sex Offender Registration and Notification Act (SORNA), established a comprehensive national system for the registration and notification to the public of those offenders. For FY 2012, the President's budget requests \$30 million to provide critical assistance to SORNA jurisdictions, particularly in these difficult economic times, to ensure the continuation of SORNA implementation activities. The funding would support jurisdictions' investments in their registration and notification systems that will be necessary to implement SORNA's many requirements. The Committee recommends funding the Adam Walsh Act at appropriate levels.

### **Services for Victims of Crime**

The Administration requests an increase of \$145 million from the FY 2010 funding level for the Crime Victims Fund (CVF), increasing the obligation cap to \$850 million. The increase in the obligation cap will support programs to assist victims of violence against women, including grants to support domestic violence shelters and rape crisis shelters, and provide transitional housing assistance and other needed services to victims of domestic violence, sexual assault, and stalking. By statute, the resources available under the CVF are administered by the Office for Victims of Crime. In addition to this amount, up to \$50.0 million may be set aside for the Antiterrorism Emergency Reserve.

Recognizing current budgetary constraints, the Committee supports funding Services for Victims of Crime at levels sufficient to accomplish its various missions.

## **COMMUNITY ORIENTED POLICING SERVICES**

In FY 2012, the President requests for the Office of Community Oriented Policing Services (COPS) a total of \$709.830 million, 210 positions and 175 FTE. Of this amount, \$669.5 million is requested under the COPS appropriation to further the Department's effort to successfully assist state, local, and tribal law enforcement agencies in their efforts to prevent crime, enforce federal laws, and represent the rights and interests of the American people.

The COPS Office is proposing several program increases to assist state, local, and tribal law enforcement to combat crime and increase law enforcement effectiveness by leveraging resources and maximizing cooperative efforts. The key highlight of this request is a \$302 million increase for the COPS Hiring Program to assist in hiring additional law enforcement professionals at the local level. In addition, an \$8.5 million increase is requested to expand community policing development efforts including training, technical assistance, and the development and dissemination of COPS knowledge resources. Finally, a \$10 million increase is requested for the Police Integrity initiative to further efforts to build and enhance the trust between police and the citizens and communities they serve including strategies to identify and disseminate best practices, develop model problem-solving partnerships, and deliver national training and technical assistance.

In anticipation of reduced spending levels, the Committee supports funding COPS at an appropriate level.

## **OFFICE OF VIOLENCE AGAINST WOMEN (OVW)**

In FY 2010, OVW received \$434 million for Violence against Women Act (VAWA) implementation and in FY 2012, the President requests for OVW a total of \$454.898 million, 102 positions and 86 FTEs. Of this amount, \$431.750 million is requested to further OVW's efforts to improve the Nation's response to domestic violence, dating violence, sexual assault and stalking. The FY 2012 budget request includes several targeted program enhancements including increased funding to address sexual assault, which is one of OVW's top priorities. This represents a total funding level change from FY 2010 to FY 2012 of \$20.690 million.

In anticipation of reduced spending levels, the Committee supports funding OVW at levels necessary to accomplish its various missions.

## **EXECUTIVE OFFICE FOR IMMIGRATION REVIEW (EOIR)**

The Executive Office for Immigration Review (EOIR) contains the corps of Immigration Judges, the Board of Immigration Appeals (BIA), and the Office of the Chief Administrative Hearing Officer. EOIR presides over administrative immigration hearings such as removal, bond, and employer sanctions proceedings.

The President's budget requests \$329.813 million for EOIR in FY 2012, an increase of \$31.858 million. This requested level represents a 10.7 percent increase from the FY 2011 CR.

The request seeks an increase of 149 positions, including an additional 21 Immigration Judge teams and 10 BIA attorneys.

EOIR has to plan and coordinate with DHS as enforcement programs increase. EOIR's immigration court cases continue to increase along with DHS's increased enforcement efforts. In 2007, immigration courts received 336,000 matters for adjudication. During 2008, that number rose to 352,000 matters. For 2009, the courts received 393,000 matters and in 2010 received 393,000 as well. Case receipts are expected to top 400,000 by 2011. As a consequence, case backlogs have continued to increase, *i.e.*, from 186,000 matters pending at the start of 2009 to over 268,000 matters pending at the end of the first quarter of 2011. Court dockets have been stretched unacceptably far into the future, *e.g.*, most courts are scheduled at least a year into the future (many have cases scheduled well into 2012).

The Committee also supports funding of Legal Orientation Programs (LOP) for detained noncitizens at a level necessary to accomplish the goals of the program.

Timely and fair adjudication of cases in Immigration Courts is an essential part of effective immigration enforcement. Funding for EOIR personnel and programs must keep pace with other immigration enforcement activities in order for the entire immigration enforcement system to function properly. The Committee recommends that EOIR be funded at a level that will enable it to achieve these goals.

## **U.S. CUSTOMS AND BORDER PROTECTION (DHS)**

The Department of Homeland Security's U.S. Customs and Border Protection (CBP) is the federal agency principally responsible for the security of the Nation's borders, at and between the ports of entry along the border and at our seaports and airports. The Committee supports CBP's various missions, including the work of Inspectors and Border Patrol agents who are an essential component of our immigration-enforcement system and serve as a critical shield against those who would enter the U.S. unlawfully.

The President's budget requests \$11.839 billion (\$10.379 billion in appropriated funds and \$1.460 billion in mandatory fee collections) for FY 2012. The funds will support current levels of Border Patrol agents, a force that has nearly doubled since FY 2004, and will increase the number of CBP Officers in the Office of Field Operations, who perform critical services at our ports of entry. It is important to note that the FY 2010 Border Security Supplemental is annualized into the FY 2012 budget. The Committee supports funding CBP at levels necessary to accomplish its various missions.

The Committee notes that a high rate of attrition for Border Patrol agents has been resolved through increased vetting and training programs as well as improvements in salaries and benefits. The Committee notes from FY 2010 to FY 2012, salaries and benefits increased by approximately \$1.6 billion from \$6.4 billion to \$8.1 billion due to the implementation of pay increases for CBP officers, Border Patrol agents and Agricultural Specialists by raising the journeyman grade level from GS-11 to GS-12.

The Committee also supports the use of funding for the addition and improvement of Border Patrol facilities. Although appropriated funds in the American Recovery and Reinvestment Act resulted in improvements to several Border Patrol facilities, the Committee is concerned that CBP intends to use facilities management funds solely to maintain existing structures, rather than to develop new Border Patrol facilities and continue to modernize existing facilities.

## **U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (DHS)**

U.S. Immigration and Customs Enforcement (ICE) is the largest investigative arm of DHS. Comprised of several components from the former Immigration and Naturalization Service (INS) and the U.S. Customs Service, the agency combines the investigative, detention and removal, and intelligence functions of the former INS with the investigative and intelligence functions of the former Customs Service.

The President's budget requests \$5.822 billion (\$5.510 billion in appropriated funds and \$311.870 million in mandatory fee collections) for FY 2012. In anticipation of reduced spending levels, the Committee supports funding ICE at levels necessary to accomplish its various missions.

The Secure Communities Program is a comprehensive plan that seeks to identify and remove criminal aliens. In addition, the Criminal Alien Program focuses on identifying incarcerated criminal aliens in federal, state, and local facilities, and secures orders of removal prior to their release. The Committee supports funding for Secure Communities and the Criminal Alien Program, which focus on criminal aliens to improve public safety.

## **U.S. CITIZENSHIP AND IMMIGRATION SERVICES (DHS)**

United States Citizenship and Immigration Services (USCIS) administers the immigration service functions described in the Immigration and Nationality Act, such as adjudicating citizenship and immigration benefit applications and petitions.

The FY 2012 President's budget request is \$2.907 billion, which consists of \$2.5 billion in mandatory fee collections and \$369.5 million in appropriated funds. The FY 2011 budget request was \$2.812 billion, consisting of expected mandatory fee collection amount of \$2.426 billion and \$385.8 million in appropriated funds. The Committee supports funding CIS at levels necessary to accomplish its various missions.

The request for appropriation includes \$203.4 million for the processing of applications for refugee and asylum status, \$102.4 million for E-Verify, \$29.9 million for the Systematic Alien Verification for Entitlements (SAVE) program, and \$19.7 million of immigrant integration and citizenship programs. The costs of these programs are currently supported by individuals and businesses applying for other citizenship and immigration benefits through USCIS.



## **OFFICE OF REFUGEE RESETTLEMENT (HHS)**

The Office of Refugee Resettlement (ORR) within the Department of Health and Human Services (HHS) provides assistance and services to refugees, asylees, unaccompanied alien children, victims of human trafficking, and certain Amerasian, Iraqi, Afghan, Cuban, and Haitian immigrants. ORR assists these populations by providing a range of services, including cash and medical assistance, housing assistance, and economic and social integration services.

The President's budget request of \$825 million represents an increase of \$94 million over the FY 2010 appropriated amount. The Committee recommends that ORR be funded at a level that will enable it to achieve its goals.

## **US-VISIT (DHS)**

The FY 2012 President's budget request of \$302 million represents a decrease of \$76.7 million from the FY 2011 CR. The Committee has long supported sufficient funding to meet the entry-exit requirements mandated by Congress in 1996 in order to identify who is entering and exiting the U.S. and how long they stay in the country. The Committee notes that the agency reported to Congress in FY 2010 the results of two air exit pilot programs. The Committee supports the use of unobligated funds appropriated in previous years to proceed with implementation, but also recommends sufficient funding be provided to prioritize the development of an integrated master schedule for the full implementation of the legal mandate. The Committee recommends that US-VISIT be funded at a level that will enable it to achieve full implementation.

## **LEGAL SERVICES CORPORATION**

The Legal Services Corporation (LSC) is a non-profit entity established by Federal statute for the purpose of providing financial support for legal assistance in noncriminal proceedings or matters to persons financially unable to afford legal assistance. For FY 2012, the President requests \$450 million to LSC, an overall increase of \$30 million in Federal funding from the FY 2010 enacted budget. The FY 2012 budget request allocates \$420.15 million for basic field programs and required independent audits; \$4.35 million for the Office of Inspector General; \$19.5 million for management and grants oversight; \$5 million for client-self-help and information technology; and \$1 million for loan repayment assistance.

Pursuant to its independent budgetary authority, LSC requests \$516.55 million in appropriated funds for FY 2012. The request specifically allocates: \$484.9 million for basic field grants; \$4.35 million for the Office of Inspector General; \$19.5 million for management and grants oversight; \$6.8 million for technology initiative grants; and \$1 million for loan repayment assistance.

The Majority notes that Government Accountability Office and LSC Inspector General reports have raised concerns about LSC's and its grantees' internal practices and accountability. The GAO has made numerous recommendations to protect appropriated federal funds. While LSC has taken steps to improve its own and its grantees' practices, it has not yet implemented all

of the GAO's recommendations and established a sustained track record of compliance with the recommended reforms. Taking due account of LSC's ongoing reform efforts, and in anticipation of reduced spending levels, the Majority supports the reduction of funding for LSC to levels below those requested.

The Minority notes that LSC is working with GAO to implement GAO's recommendations, many of which were to modernize LSC's internal controls and strengthen governance and oversight. Taking into account the success LSC has made in implementing the GAO recommendations, the Minority supports fully funding LSC at the level LSC requested to accomplish its mission of providing access to legal justice for the poor.

## **PRIVATE CLAIMS LEGISLATION**

The Committee anticipates it will consider private bills for claims against the United States. The Committee believes that \$5 million was sufficient in the past several years and believes that this figure, based on an analysis of private claims bills passed by recent Congresses, continues to be sufficient to meet the unanticipated costs associated with private claims legislation.

## **OFFICE OF GOVERNMENT ETHICS**

The Office of Government Ethics (OGE) is responsible for providing the overall direction of executive branch policies designed to prevent conflicts of interest and to ensure high ethical standards. In partnership with executive branch agencies and departments, OGE develops ethics training courses and other educational materials for government employees, conducts on-site reviews of existing ethics programs, and provides advice and guidance on the Standards of Ethical Conduct for Employees of the Executive Branch. For FY 2012, the President requests \$13.664 million for OGE, which is \$336,000 less than its FY 2011 CR level of \$14 million. In anticipation of reduced spending levels, the Committee supports funding OGE at levels necessary to accomplish its various missions.

## **U.S. COMMISSION ON CIVIL RIGHTS**

The Commission on Civil Rights was established by the Civil Rights Act of 1957, (P.L. 85-315), to serve as a bipartisan, fact-finding agency to investigate and report on the status of civil rights. For FY 2012, the President's budget requests \$9.429 million for the Commission which is a continuation of its current funding level. The Committee will examine the continuing mission of the Commission and its ability to perform core functions in its current configuration and level of funding.

## **U.S. PATENT AND TRADEMARK OFFICE**

The U.S. Patent and Trademark Office (USPTO) issues patents and registers trademarks, which provide protection to inventors and businesses for their inventions and corporate and product identifications. The agency also advises other government agencies on intellectual property issues and promotes stronger intellectual property protections in other countries.

The USPTO is funded through the imposition of user fees that are paid by individuals and businesses that file for patent and trademark protection. The USPTO Director deposits these funds in a special account at the Treasury. As a practical matter, the agency is beholden to Congress and the appropriations process to receive funds back. Since the early 1990s, this has led to the diversion of more than \$800 million from the USPTO to other unrelated government initiatives.

The agency is critical to the economic health of the country as it is an innovation-driver and job-creator. The Committee opposes the practice of diversion and believes the USPTO should be permitted to keep all of the funds it raises each fiscal year until expended. The Committee therefore supports "full" funding of the agency at \$2.7 billion, which includes an extension of law that restructures and increases fees through FY 2012 (this was originally enacted in 2005 and 2006 and subsequently extended); and a one-year 15% surcharge that the Committee hopes to enact this year.

### **U.S. COPYRIGHT OFFICE**

The U.S. Copyright Office is responsible for registering copyright claims and renewals, vessel hull designs, and mask works; recording assignments and related documents; acquiring US copyrighted works for possible inclusion in the Library of Congress collections; creating and making available records of copyright ownership; and providing copyright information to the public.

The Office is funded, in part, through the collection of fees received for services rendered and the value of books and other library materials deposited in accordance with the Copyright Act and transferred to the Library of Congress. The Committee supports an FY 2012 funding level for the Copyright Office of \$56.44 million or, if less, at a level necessary for the Office to accomplish its mission.

### **U.S. SECRET SERVICE**

The Secret Service is primarily tasked with two law enforcement functions: Handling protection and conducting criminal investigations. Criminal investigation activities encompass financial crimes, bank fraud, mortgage fraud, identity theft, counterfeiting, and computer fraud. The protection mission covers the President and Vice President, among others.

The President's FY 2012 request provides an increase of \$60.455 million for the 2012 Presidential Campaign. This includes planned expenditures for candidate/nominee protective details, the Democratic and Republican Conventions, protective equipment, and other costs associated with the campaign.

The Secret Service is also responsible for security activities at National Special Security Events (NSSEs), which include the Party Nominating Conventions, as well as international conferences and events held in the United States. For FY 2012, the President has requested an increase of \$18.307 million for three upcoming NSSEs: the Economic Summit (G20), the North Atlantic Treaty Organization Summit, and the Asia-Pacific Economic Cooperation Summit.

The President's FY 2012 budget request also provides an increase of \$65.8 million for operations mission support, which includes critical investments in equipment, training and personnel needed to address current threats directed at the President, Vice President, and the White House Complex. The Committee notes the Secret Service's robust investigative efforts in the area of cyber crime and supports the budget request of \$53.051 million for the Secret Service's Electronic Crimes Special Agent Program and Electronic Crimes Task Forces.

The total FY 2012 request for the Secret Service is \$1.943 billion. The Committee fully supports this request.

## **STATE JUSTICE INSTITUTE**

The State Justice Institute (SJI) was established by Federal law in 1984 to award grants to improve the quality of justice in State courts, facilitate better coordination between State and Federal courts, and foster innovative, efficient solutions to common issues faced by all courts.

The Committee supports an FY 2012 funding level for SJI of \$6.3 million or, if less, at a level necessary for SJI to accomplish its mission.

**ADDITIONAL VIEWS OF CONGRESSMAN ROBERT C. "BOBBY" SCOTT  
COMMITTEE ON THE JUDICIARY  
VIEWS AND ESTIMATES FOR FY 2012**

John R. Justice Prosecutor and Defender Incentive Act

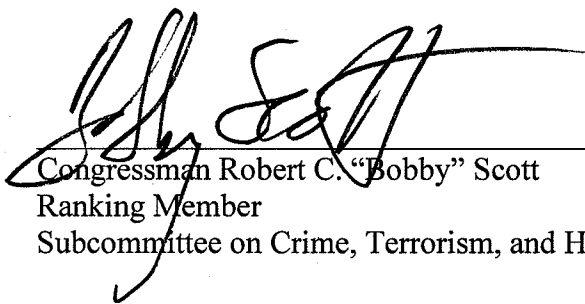
The John R. Justice Prosecutor and Defender Incentive Act was enacted in 2008. The Act authorizes funding for loan repayment assistance for state and federal public defenders and state prosecutors who commit for three years. In both FY 2010 and in the FY 2011 CR, this program was funded at \$10 million. I support funding for this program at least equal to the level for FY 2011.

Mentally Ill Offender Act

The Mentally Ill Offender Treatment and Crime Reduction Reauthorization Improvement Act of 2008 reauthorizes funding for the Adult and Juvenile Collaborations Program grants. The Act authorizes \$50 million for each fiscal year for FY 2009 through FY 2014. \$12 million was appropriated for this program for FY 2010 and in the CR for FY 2011. The President's budget requests no funds for this program for FY 2012. I support funding for this program at least equal to the level for FY 2011.

Second Chance Act

The Second Chance Act of 2008 provides grants to establish and expand various adult and juvenile offender reentry programs and funds reentry-related research. The Act authorized \$165 million for FY 2009 and 2010. The President's FY 2012 budget proposes \$100 million for the program. I support funding for this program at the level of \$100 million for FY 2012.



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Congressman Robert C. "Bobby" Scott  
Ranking Member  
Subcommittee on Crime, Terrorism, and Homeland Security