



U.S. Department of Justice FY 2010 Budget Request

SAFEGUARDING OUR SOUTHWEST BORDER

+ \$231.6 million in Enhancements

FY 2010 Overview

The FY 2010 Budget requests a \$231.6 million increase, including 632 agents and 110 attorneys, to strengthen immigration enforcement and border security. Illegal immigration and border security continue to be paramount concerns for the United States. The Southwest Border in particular is a vulnerable area for illegal immigration, drug trafficking, and the smuggling of illegal firearms.

The Department of Justice's Southwest Border initiative supports the Administration's efforts to combat violence, stop the flow of illegal weapons and drug trafficking, bring dangerous criminals to justice, and share critical information, provide technical assistance and training to our law enforcement partners on both sides of the border. The initiative brings together the formidable law enforcement and prosecutorial components of the Department, including DEA, ATF, the U.S. Marshals, the Organized Crime and Drug Enforcement Task Forces, the U.S. Attorneys, the Criminal and Civil Divisions, and the Executive Office for Immigration Review, to help secure the border and restore the rule of law to the region. The FY 2010 Budget request for the Department's Southwest Border effort represents an increase of nearly 18 percent over last year's funding and will follow through on the President's commitment to provide more funding, technology, and manpower to secure the Southwest Border and help Mexico battle the drug cartels.

The Attorney General and the Secretary of the Department of Homeland Security have initiated greater cooperation between the two agencies to ensure that policy and funding decisions made by one agency consider the impact on the other. For example, adding additional border patrol agents impacts Department of Justice detention and prosecutorial needs.

Moreover, the Southwest Border of the United States is the principal arrival zone for most illicit drugs smuggled into the United States, as well as the predominant staging area for the subsequent distribution of drugs throughout the country. Most of the cocaine, marijuana, and methamphetamine available in the United States is smuggled across the Southwest Border. Drug trafficking organizations along the Southwest Border dominate the illicit drug trade and are largely responsible for the violence that is plaguing many border communities. Critical funding will support DOJ's Mexican Drug Cartel Strategy,

which uses intelligence-based, prosecutor-led approaches to defeat the Mexican criminal organizations.

In addition, DOJ has redirected resources to the Southwest Border to address the growing increase in firearms trafficking to Mexico, but cannot reallocate enough resources to address the threat. Recent trends have demonstrated an increase in the number of firearms recovered in Mexico. Firearms fuel the growing violence along the border, including the brutal murders of hundreds of law enforcement officers and government officials.

New Investments

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

- **Combat Firearms Trafficking: \$18.0 million and 92 positions (34 agents)** to combat firearms trafficking and firearms-fueled violence along the Southwest Border through additional agents and industry operations investigators. This request also includes funds for ATF postings in Mexico to assist Mexican law enforcement as it works to address the demand side of this issue. ATF's current services level for Southwest Border enforcement is \$43.0 million and 255 positions (177 agents).

The Department is fully committed to reducing the flow of weapons across the border and addressing the firearms-driven violence occurring on both sides of the border. There is a direct link between the availability of criminally possessed firearms and violent crime. We cannot afford to wait until an illegal firearm reaches the criminal market. The Department must focus its efforts on the sources of illegal firearms in both legitimate commercial markets and secondary markets. If the flow of illegal firearms is not stemmed, the effects of responding once after they are in the criminal market are not only costly in terms of money, but also in human lives.

Drug Enforcement Administration (DEA)

- **Drug Flow Attack Strategy: \$24.1 million and 128 positions (70 agents and 25 intelligence analysts)** to reduce the flow of drugs across our Southwest Border, which remains a critical front in our Nation's defense against both illegal drug trafficking and terrorism. Additional positions will enable DEA to carry enforcement operations along the Southwest Border and to investigate the trafficking networks of Mexican cartels that extend throughout the U.S. This request also provides funding for Special Field Intelligence Programs (SFIPs). DEA's current services level for Southwest Border offices and SFIPs is \$488.2 million and 1,659 positions.

The Southwest Border is a major area of focus not only because the majority of illegal drugs enter the U.S. across this border, but because of the links to terrorist

organizations that seek to use these established drug organizations and drug smuggling routes to smuggle dangerous individuals or weapons of mass destruction to the U.S. The Drug Flow Attack Strategy is an entire theater of operation in which DEA coordinates with other agencies to significantly disrupt the flow of drugs, money, and chemicals between the source zones and the U.S. by attacking vulnerabilities in the supply chains, transportation systems, and financial infrastructure of major drug trafficking organizations.

U.S. Attorneys (USA)

- **Border and Immigration Initiative: \$8.1 million and 75 positions (50 attorneys)** to ensure that resources for the U.S. Attorneys Offices are sufficient to address the prosecutorial workload associated with the significant funding increases provided for law enforcement activities along the border. Additional Assistant U.S. Attorneys and paralegals are needed to respond to these cross-border criminal activities and to the increases in immigration cases resulting from the substantial increases in Border Patrol Agents and the U.S. Government's overall effort to gain operational control of the border. USA's current services level for this program is \$67.8 million and 564 positions (including 381 attorneys).

Executive Office for Immigration and Review (EOIR)

- **Implementation of DHS Secure Communities Initiative: \$14.0 million and 172 positions (44 attorneys)** to implement a Department of Homeland Security initiative, Secure Communities, which will significantly increase EOIR's workload. This funding will enable EOIR to staff 28 additional Immigration Judge Teams. Secure Communities represents a new comprehensive approach to remove all criminal aliens held in the United States prisons and jails. The DHS enforcement activity, particularly as it relates to the Secure Communities Initiative, will have significant ramifications for EOIR, adding tens of thousands of additional cases and appeals to an already burgeoning workload. Immigration and Customs Enforcement received \$200 million in FY 2008 to begin Secure Communities. The funding requested for EOIR will ensure that EOIR has sufficient resources to adjudicate cases in a timely manner. The requested program increase will also establish a baseline for this initiative.
- **eWorld Document Management System (DMS): \$10.3 million** to complete EOIR's transition to an electronic document system. The new DMS will provide a single system in which to store, distribute, manage changes, and archive all documents filed with or created by EOIR. The DMS is needed to fully realize the benefits of the other eWorld technology projects: Case Access System for EOIR (CASE); digital audio recording (DAR) system; and Immigration Review information Exchange System (IRIES). For example, while the IRIES project will enable EOIR to exchange data with DHS, the transfer of documents will require DMS. EOIR's current services level for this initiative is \$5 million.

- **Legal Orientation Program for Custodians of Unaccompanied Alien Children: \$2.0 million** to provide custodians of unaccompanied alien children with legal orientation programs to address the custodian's responsibility for the child's appearance at all immigration proceedings, and to protect the child from mistreatment, exploitation, and trafficking. The requested program increase will establish a baseline for this initiative.

Civil Division (CIV)

- **Immigration Litigation: \$1.8 million and 19 positions (15 attorneys)** to support the Civil Division's Office of Immigration Litigation (OIL) workload, which is sharply impacted by DHS initiatives, including Secure Communities. OIL has been unable to keep pace with increased workload created by challenges made by illegal aliens to removal actions. Further, increases in the number of immigration judges led to a rise in the number of aliens issuing appeals to the federal circuit courts. CIV's current services level for this program is \$85.2 million and 448 positions (including 361 attorneys).

Criminal Division (CRM)

- **Combating Border Violence: \$122,000 and 1 attorney position** to assist in bringing to justice criminals who have committed violent crimes and fled to Mexico. The attorney will be part of the Criminal Division's Office of International Affairs. This request will assist the Criminal Division in resolving hundreds of "cold cases" with Mexico. CRM's current services level for Immigration and Southwest Border activities is \$2.3 million and 10 positions (9 attorneys).

Interagency Crime and Drug Enforcement (ICDE)

- **Vehicle Identification Initiative: \$2.0 million** to support communications costs associated with the Vehicle Identification Initiative, an effort to gather valuable law enforcement intelligence regarding Mexico-based Consolidated Priority Organization Targets and affiliated "Gatekeeper" organizations involved in bulk cash smuggling. Also included is funding to provide sufficient IT infrastructure for the Organized Crime Drug Enforcement Task Force (OCDETF) Fusion Center to process and develop the data collected.
- **Restoration of Base Resources: \$6.9 million** for a program base adjustment to maintain the existing staffing level of the OCDETF Program. OCDETF's FY 2009 enacted appropriation was less than what was needed to fund current services. This reduction continues the erosion of the OCDETF Program begun in FY 2008. The impact of the reduction could impact up to 99 positions, including 52 agents and 20 attorneys in FY 2010 if it is not restored. The loss of these positions would be most greatly felt on the Southwest Border, and would impact

OCDETF's ability to support investigations, prosecution, and intelligence activities against significant drug trafficking and money laundering organizations. ICDE's current services level for the Southwest Border Enforcement Initiative is \$90.8 million and 687 positions, including 416 agents and 69 attorneys.

U.S. Marshals Service (USMS)

- **Immigration and Southwest Border Enforcement: \$144.3 million and 700 positions (528 agents)** to manage the increasing workload along the Southwest Border and in the interior states. This request also includes \$10 million for courthouse construction. As the number of illegal immigrants entering America has risen, the USMS has experienced substantial prisoner and fugitive workload growth along the Southwest Border. This funding will allow the USMS to meet its responsibilities for protecting and securing federal detainees before, during, and after their judicial proceedings, and will allow USMS to better accommodate immigration enforcement initiatives, such as DHS' Secure Communities and Operation Streamline. USMS' current services level for immigration enforcement along the Southwest Border is \$94.9 million and 778 positions, including 643 Deputy U.S. Marshals.

Office of the Federal Detention Trustee (OFDT)

- **Detainee Housing and Transportation:** OFDT resources requested for the Southwest Border are reflected in the attached Prisons and Detention Fact Sheet and amount to \$44.6 million and 4 positions. OFDT will require increased funding for the procurement of additional detention beds to meet the substantial increases in Southwest Border arrests resulting from federal prosecutions.

The OFDT has very limited flexibility in its operations and is required to house all detainees remanded from the Federal Judiciary. While OFDT has created efficiencies to reduce post-sentencing detention time, OFDT cannot control the number of new bookings or court case processing times. The majority of OFDT's costs (88 percent) are related to housing alone. The requested funding is needed to support the increases in additional detainees that are projected for FY 2010 (an increase in the average daily population of approximately 2,000 non-federal detainees). OFDT's current services level for the Southwest Border and immigration enforcement is \$366.7 million.

FY 2010 Investment Summary
(Amount in \$000)

Bureau/Initiative	Positions	Agents	Attorneys	Budget Request
Bureau of Alcohol, Tobacco, Firearms and Explosives	92	34	0	\$17,989
Combat Firearms Trafficking				17,989
Drug Enforcement Administration	128	70	0	\$24,075
Drug Flow Attack Strategy				24,075
U.S. Attorneys	75	0	50	\$8,127
Border and Immigration Initiative				8,127
Executive Office for Immigration and Review	172	0	44	\$26,253
Implementation of DHS Secure Communities Initiative				14,003
e-World Document Management System				10,250
Legal Orientation Program for Custodians of Unaccompanied Alien Children				2,000
Civil Division	19	0	15	\$1,760
Immigration Litigation				1,760
Criminal Division	1	0	1	\$122
Combating Border Violence				122
Interagency Crime and Drug Enforcement	0	0	0	\$8,938
Vehicle Identification Initiative				2,000
Restoration of Base Resources				6,938
U.S. Marshals Service	700	528	0	\$144,345
Immigration and Southwest Border Enforcement				134,345
Courthouse Renovations				10,000
Office of the Federal Detention Trustee	[4]	0	0	[\$44,579]
Detainee Housing and Transportation				[\$44,579]
Grand Total, New Investments	1,187	632	110	\$231,609