

STATEMENT OF ERIC H. HOLDER JR.  
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BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES

COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND RELATED  
AGENCIES

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Good morning Chairman Wolf, Ranking Member Fattah, and Members of the Subcommittee. Thank you for the opportunity to meet with you today to discuss the President's Fiscal Year 2012 budget for the U.S. Department of Justice and the Department's key priorities. I would also like to thank you for your support of the FY 2010 Supplemental Emergency Border Security Act and the FY 2010 Supplemental Disaster Relief and Summer Jobs Act. Those acts provided important resources for our law enforcement and litigation operations. I look forward to your continued support and appreciate your recognition of the Department's mission and the important work that we do.

As you are aware, the FY 2011 Continuing Resolution presents significant budget challenges for the Department, as the current cost of our operations and staffing is considerably higher than last year. Given the Department's vast size and broad responsibilities, I have announced financial restrictions that will be difficult but that, given our funding constraints, are required. One of the measures that I announced was a temporary freeze on hiring. I also directed that components immediately curtail non-personnel spending unless it is necessary for essential operations. The actions that I have announced, including the general freeze on hiring, are designed to keep the Department solvent and operating as effectively as possible. We are taking these steps now to avoid more severe measures in the future, such as staff furloughs. Obtaining adequate funding in FY 2011, and obtaining the President's FY 2012 budget request, is critical to our national security and law enforcement work.

As I appear before you today, we remain dedicated to protecting the American people through the use of every lawful instrument to ensure that terrorists are brought to justice, held accountable for their actions, and can no longer threaten American lives. Over the past year, in partnership with government, law enforcement and industry leaders, we enforced the law and defended the interests of both consumers and the United States, including ensuring the strength and integrity of our most essential health care programs through enforcement actions that helped control health care costs, reduce fraud, and improve the safety of health care for all Americans. The Department continued to ensure public safety against threats foreign and domestic by

prioritizing and dedicating resources to protect the American people. In addition, we collaborated with local law enforcement to investigate the tragedy in Arizona and continue to utilize every resource necessary to bring justice to the victims of the Arizona shooting. We have also led federal efforts to prevent and control crime by taking aggressive steps to combat the serious proliferation of violence along the Southwest border and to attack the nationwide problems of gang violence, related drug trafficking, hate crimes, and child violence and exploitation.

Today, I affirm the Department's commitment to protect the Nation through strengthening our national security; countering the threat of terrorism; fighting crime; and enhancing our litigation work to protect civil rights, consumers, financial markets, intellectual property rights, and the environment. While fulfilling this commitment, I will continue to improve the way federal dollars are spent through exploration of ways to assess the effectiveness of prosecution of violent and other crimes; reduce duplication and realign investigative resources; and promote effective, fiscally sound alternatives to incarceration consistent with public safety. I will continue to make targeted investments to make communities safer for all Americans and strengthen essential state, local and tribal assistance initiatives.

The President's FY 2012 Budget request for the Department is \$28.2 billion. The request represents a 1.7 percent increase in gross discretionary budget authority over the FY 2011 Continuing Resolution level. The Budget addresses my key priorities of strengthening national security, preserving the Department's traditional missions, maintaining safe prison and detention facilities, assisting our state, local and tribal law enforcement partners, and identifying savings and efficiencies that promote fiscal responsibility. In addition to addressing my key priorities, the Budget enhances the Department's ability to focus on recovering assets obtained through financial fraud, drug trafficking, and other criminal activity. In FY 2010, the Department's Asset Forfeiture Program obtained over \$1.6 billion in forfeited assets and distributed over \$674 million to victims of financial crimes and our state and local law enforcement partners. The Department also collected and disbursed over \$4.7 billion related to civil debt collection in FY 2010. Of this amount, \$3.7 billion was returned to federal agencies, \$494.5 million was returned to the Treasury, \$391.2 million was paid to non-federal recipients, and \$101.8 million was retained for debt collection efforts within the Department. This budget continues our emphasis on fiscal accountability and oversight.

### **Strengthen National Security**

Preventing, disrupting, and defeating terrorist acts before they occur remains the Department of Justice's highest priority. National security threats are constantly evolving and adapting, requiring additional resources to address new critical areas. In addition, increasing global access to technological advancements has also resulted in new vulnerabilities that must be addressed.

The President's budget request demonstrates a dedication to protecting our national security and a commitment to using every instrument of national power to fight terrorism and keep America safe. The Department of Justice plays a critical role in the government's national security and intelligence efforts, and it is essential that the Department's budget maintain the capabilities we have developed even in these difficult fiscal times. Moreover, the budget requests \$128.6 million in program increases and 170 additional positions to strengthen national security and counter the threat of terrorism. The requested increases provide the essential technological and human capital to detect, disrupt, and deter threats to our national security.

More specifically, the Administration supports critical national security programs within the Department, including \$122.5 million in program increases for the Federal Bureau of Investigation (FBI) and \$729,000 in program increases for the National Security Division (NSD). This figure includes resources for the FBI to enhance national security related surveillance capabilities and enhance its Data Integration and Visualization System; expand the Operational Enablers program and Weapons of Mass Destruction/Render Safe capabilities to deploy render safe assets throughout the country to diffuse, disrupt, or destroy weapons of mass destruction; and expand the Computer Intrusion Initiative to increase our capabilities to detect and counter cyber intrusions.

To address the growing technological gap between law enforcement's authority to intercept electronic communications and its practical ability to actually intercept those communications, \$17 million in program increases are also being requested to improve the Department's lawful Electronic Surveillance Capabilities for the FBI, Drug Enforcement Administration, Bureau of Alcohol, Tobacco, Firearms and Explosives, and the U.S. Marshals Service.

### **Preserve Traditional Missions**

At the Department, we continue America's greatest tradition of protecting the promise of justice and helping bring justice to those in need. Enforcing the law and ensuring the fair and impartial administration of justice for all requires resources to both investigate and litigate on behalf of the American people. The request provides \$57.4 million in program increases to expand the Department's enforcement litigation capacity and its ability to protect vulnerable populations.

The budget upholds the Department's historic role in fighting crime, protecting civil rights, preserving the environment, and ensuring fairness in the marketplace, while responding to new challenges such as the Deepwater Horizon oil spill. In addition, the budget supports the continued robust efforts to crack down on financial fraud, which have already resulted in charges for fraud schemes that have cost victims more than \$8 billion in estimated losses nationwide. The budget includes funding to continue the implementation of the Hate Crimes Prevention Act

of 2009 to help communities prevent and respond to violent hate crimes committed on the basis of gender, gender identity, sexual orientation, religion, and disability in addition to race, color, and national origin.

We have also requested program increases of \$15 million for the Executive Office of Immigration Review, including funds for 21 new immigration judge teams, additional attorneys for the Board of Immigration Appeals, and funds to expand our Legal Orientation Program.

### **Maintain Safe Prison and Detention Facilities**

It is important for the Department to maintain the appropriate balance of resources within core Departmental functions. Successful investigations lead to arrests, prosecutions, and convictions. With effective enforcement of federal law and administration of justice comes a greater need for prison and detention capacity. More than 5,000 new federal inmates and 6,000 detainees are projected to be in custody in 2012, and adequate funding for prison and detention operations is essential. The FY 2012 budget requests a total of \$8.4 billion to maintain basic prison and detention operations.

The FY 2012 request, for instance, includes \$224 million in prison and detention resources to maintain secure, controlled detention facilities and \$461.4 million for program increases to ensure the growing numbers of offenders are confined in secure facilities. We are committed to safely housing inmates and safely staffing our prisons. The Department also continues its efforts to improve inmate reentry and recidivism rates, which includes \$22 million for Second Chance Initiatives to enhance inmate reentry programs, specifically vocational training, education, and drug treatment programs.

In addition, the FY 2012 budget addresses the Federal prison population through sentencing reform. Sentencing reforms are anticipated to help stabilize the growth of the prison population and ensure fundamental fairness in our sentencing laws, policy, and practice. One outcome of these changes would be to address associated long-term costs. The stabilization of the prison population is essential for ensuring the safety of correctional officers and inmates.

We are also continuing our efforts to combat sexual abuse in correctional settings. Simply put, sexual abuse is a crime, not a punishment for a crime. Last month, we published a proposed rule pursuant to the Prison Rape Elimination Act (PREA) that contains national standards aimed at combating sexual abuse in adult prisons and jails, juvenile facilities, lockups and community confinement facilities. In addition to preparing the rule, the Department has been working to ensure that, once promulgated, the national standards are successful. The Department is uniquely positioned to serve as a force multiplier, enabling best practices to gain recognition and enabling correctional systems to benefit from the PREA efforts of other

jurisdictions. The Bureau of Justice Assistance has entered into a three-year cooperative agreement for the development and operation of a Resource Center for the Elimination of Prison Rape. The Resource Center, which was established with FY 2010 funding, will provide additional training and technical assistance to states and localities to assist in the identification and promulgation of best practices and promising practices. The Department's FY 2012 request will supplement our efforts by enabling the Bureau of Justice Statistics to continue its work conducting surveys examining the incidence and consequences of sexual abuse in confinement settings.

### **Assist State, Local and Tribal Law Enforcement Partners**

The Budget requests a total of \$3.0 billion for state, local and tribal law enforcement assistance. These funds will allow the Department to continue support to state, local and tribal law enforcement agencies that fight violent crime, combat violence against women and support victim programs.

The Department recognizes that many tribal law enforcement agencies face unique obstacles to effectively promote and sustain community policing. Unlike municipal police agencies, many tribes still lack basic technology to modernize their departments, such as laptops installed in police vehicles. The FY 2012 budget requests \$424.4 million in total resources for public safety initiatives in Indian Country.

In addition to providing resources for public safety initiatives in Indian Country, the Department continues to maintain key partnerships with state, local and tribal law enforcement officials and community members to provide resources throughout the Nation for all Americans. These partnerships include the Community Oriented Policing Services (COPS) hiring program, which enables state, local and tribal police agencies to increase the number of officers available for targeted patrol and other proven strategies designed to prevent and reduce crime. In addition, many grant programs are provided through the Office on Violence Against Women (OVW), which provide communities with resources to combat sexual assault and other forms of violence against women through programs such as the Legal Assistance for Victims Program, Sexual Assault Services Program, and the new OVW Consolidated Youth Oriented Grants Program. New programs are requested in FY 2012 for the Office of Justice Programs (OJP), including the Race-to-the-Top style Juvenile Justice System Incentive Grant Program and the Byrne Criminal Justice Innovation Program. In addition, the budget includes funding to continue implementation of the Adam Walsh Act of 2006 to protect children from exploitation; to assist children exposed to violence; and for a smart policing initiative. These programs and our relationships with state, local and tribal law enforcement agencies maximize the Federal Government's ability to fight crime and promote justice throughout the United States.

## **Savings and Efficiencies**

The FY 2012 budget funds the Department's critical missions in a fiscally responsible manner and seeks to achieve a balance in resources that addresses the Department's core missions and functions when and where they are needed. The budget includes an array of savings and efficiencies and compels the Department to work smarter and better, making the most of limited resources and devoting funds to our most critical mission areas. In order to eliminate redundancies and target resources, the Administration streamlines programs and redirects funding to improve the capabilities of Department of Justice law enforcement agencies. These offsets include administrative efficiencies and savings, task force and space consolidations, better utilization and reduction of office space, information technology program management efficiencies, relocation efficiencies, reductions to less effective grant programs, and rescissions of prior year balances.

As we move forward with tough choices necessary to rein in our deficit and put the country on a sustainable fiscal path, we must balance those efforts with the resources and actions required to carry out our law enforcement mission and protect the Nation.

## **Conclusion**

Chairman Wolf, Ranking Member Fattah, and Members of the Subcommittee, I want to thank you for this opportunity to discuss the Department's priorities and detail new investments sought for FY 2012.

Today, I have highlighted critical areas that require attention and resources so that the Department can fulfill its mission to enforce the Nation's laws and protect our national security. I hope you will support the Department in the execution of these worthy efforts. We have made tough choices in this budget. We know we are operating in an age of austerity. We have made significant reductions in certain areas in order to focus our resources on national security and core law enforcement and litigation responsibilities. We ask you to support these priorities.

I am pleased to answer any questions you might have.