

STATEMENT OF
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BEFORE THE
UNITED STATES SENATE APPROPRIATIONS SUBCOMMITTEE ON COMMERCE,
JUSTICE, SCIENCE, AND RELATED AGENCIES

FOR A HEARING ON
THE FISCAL YEAR 2022
DEPARTMENT OF JUSTICE BUDGET REQUEST

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Good afternoon Chairwoman Shaheen, Ranking Member Moran, and distinguished members of this subcommittee. Thank you for the opportunity to appear on behalf of the Department of Justice to discuss the President’s budget request for Fiscal Year (FY) 2022.

Exactly 90 days ago, I took the oath of office as Attorney General. In remarks to all Justice Department employees on my first day in office, I explained how I would approach my job:

“All of us are united by our commitment to the rule of law and to seeking equal justice under law. We are united by our commitment to protecting our country, as our oath says, ‘from all enemies foreign and domestic,’ and by our commitment to enforcing our country’s laws and to ensuring the civil rights and the civil liberties of our people.”

This approach reflects the Justice Department’s mission, and the Department’s mission is reflected in our \$35.3 billion FY 2022 budget request. Our top funding priorities are:

1. Keeping our Country and Communities Safe. This includes funds for:

Countering Foreign and Domestic Terrorism. The budget contains more than \$1.5 billion to counter foreign and domestic terrorism – an increase of more than 12% above the FY 2021 budget – which includes an additional \$101.2 million to address domestic terrorism with a broadscale approach across the Department.

Enhancing Cybersecurity and Fighting Cybercrime. The budget includes \$1.1 billion, a \$150.7 million increase, for protecting our nation from cyberattacks and cybercrime. This is the largest increase in cyber resources for the Justice Department in more than a decade.

Combating Violent Crime and Gun Violence. The budget also contains \$9.4 billion, an increase of more than 8%, to combat violent crime and gun violence. This includes more than \$1 billion in grants to support local, State, and Tribal law enforcement agencies and community organizations in their efforts to achieve safer communities.

2. Protecting Civil Rights and Civil Liberties. Another top Department priority is protecting civil rights and civil liberties. This includes:

Reinvigorating the Department’s Civil Rights Components. The budget contains a total of more than \$300 million to reinvigorate civil rights efforts across the Justice Department, including in the Civil Rights Division and the Community Relations Service, and to reestablish and expand the Justice Department’s Office for Access to Justice. This budget marks the largest investment in civil rights in at least a decade and the largest-ever increase for the Department’s Civil Rights Division, totaling more than 15%.

Investing in Community Policing. The budget contains a total of nearly \$1.3 billion, with program increases of \$379.8 million, to support reforms designed to further strengthen relationships between law enforcement and the communities they serve. This investment is important both for keeping our communities safe and for protecting civil rights and civil liberties.

Ending Gender-Based Violence. The budget contains a total of \$1.0 billion, an increase of \$486.5 million, to address gender-based violence through the Office on Violence Against Women, nearly twice the FY 2021 investment in this effort.

Addressing Inequities in the Criminal Justice System. A total of nearly \$1.6 billion is requested to support reform in the criminal justice system and to continue critical investment in implementing the First Step Act of 2018. This request includes an increase of more than \$550 million in grants that support efforts to reform State and local justice systems.

Advancing Environmental Justice. The budget also contains new resources to advance environmental justice initiatives.

Other areas of Departmental focus include:

3. Ensuring Economic Opportunity and Fairness

Reinvigorating Antitrust Enforcement. This budget requests more than \$200 million, an increase of 9%, for the Antitrust Division to reinvigorate antitrust enforcement.

Combating Fraud and Protecting Consumers. The Justice Department is committed to using every available federal tool—including criminal, civil, and administrative actions—to protect consumers and combat and prevent fraud. As part of this budget request, additional funds would be available for three DOJ components – our United States Attorneys, the Criminal Division, and the Civil Division – to combat COVID-19 related fraud and bring to justice those who seek to profit unlawfully from the pandemic.

Revitalizing Tax Enforcement. An increase of nearly 5% above FY21 is requested for the Department’s Tax Division to support its vital mission of enforcing our tax laws fully, fairly, and consistently. The integrity of our tax system is vital to maintaining public confidence and requires ensuring that all Americans pay the taxes they owe.

4. Reducing the Immigration Court Backlog

The budget also requests a total of \$891 million, an increase of more than 20%, to reduce the immigration court backlog. This funding would strengthen our ability to apply the immigration laws justly, consistently, and in a timely fashion, while ensuring due process under the law.

Greater detail on all of these priorities is provided below:

1. Keeping our Country and Communities Safe

Countering Foreign and Domestic Terrorism. Our budget supports the Justice Department's steadfast commitment to protecting our national security, while also protecting our civil liberties.

As I testified before the full Senate Appropriations Committee last month, the United States has seen an unprecedented and troubling rise in domestic violent extremism. At the same time, the Justice Department and its law enforcement agencies remain acutely aware of the threat posed by foreign terrorist organizations. This requires that we never take our eyes off the risk of another devastating attack on our country by foreign terrorists. It also requires that we counter threats from foreign actors who conduct espionage, target Americans, including our service members and diplomats overseas, and violate the sovereignty and territorial integrity of our allies.

As the country's lead law enforcement agency, the Department of Justice is devoted to a broadscale approach to counter the threat of both foreign and domestic terrorism. The request includes more than \$1.5 billion for our foreign and domestic counterterrorism efforts, which represents an increase of more than 12% above the FY 2021 enacted level.

Alongside our request for resources to counter the threats posed to our security by foreign terrorism, the budget seeks an additional \$101.2 million to address domestic violent extremism and terrorism. Our request includes increased funding for the Federal Bureau of Investigation (FBI) to conduct domestic violent extremism and terrorism investigations, and for the United States Attorneys to manage increasing caseloads in this area. The budget request supports additional response capabilities at the U.S. Marshals Service and research regarding the root causes of domestic radicalization at the National Institute of Justice.

Enhancing Cybersecurity and Fighting Cybercrime. Protecting our national security also requires countering cyber threats from foreign and domestic actors – whether nation states, terrorists, or criminals – who seek to conduct espionage, invade our privacy, attack our elections, steal our intellectual property, damage our critical financial and physical infrastructure, or extort ransom payments.

These threats are grave and escalating, and we must keep pace with an ever-evolving threat landscape. A complete review of the Department's cybersecurity strategy is currently underway, and this budget – which would provide more than \$1 billion to support cyber investigations and cybersecurity, including more than \$150 million in cyber program enhancements – would help us to meet these threats. This is the largest increase in cyber resources for the Department in more than 10 years.

Combating Violent Crime and Gun Violence. Protecting our communities from the recent increase in major violent crimes and from the national epidemic of gun violence is among the most pressing challenges facing the Department of Justice. The Department's recently announced violent crime reduction strategy harnesses all our relevant components to that end, including the Department's U.S. Attorneys' offices, litigating divisions (including the Criminal Division), law enforcement agencies, and grantmaking offices. The FY 2022 budget request includes \$9.4 billion, an increase of more than 8% above the 2021 enacted level, to support the Justice Department's law enforcement resources as well as grants that fund community violence intervention programs, improved background checks, and red-flag laws.

A total of nearly \$1.6 billion in base funding is requested for the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), an increase of \$70 million or nearly 5% over FY 2021, to oversee the safe sale, storage, and ownership of firearms and to support the Agency's other work to fight violent crime. A portion of this increase would both expand ATF's Crime Gun Intelligence through the National Integrated Ballistic Information Network (NIBN) and would nearly double ATF's capacity to investigate theft from Federal Firearms Licensees (FFLs). Every firearm stolen from an FFL poses a threat to community safety, as well as to our law enforcement partners.

In addition, a total of \$690 million is requested for the Drug Enforcement Administration to support the fight against violent drug gangs and cartels.

This request would enable the Department's Office of Justice Programs to distribute more than \$1 billion in grants to support local, State, and Tribal law enforcement agencies and community organizations in their efforts to achieve safer communities and combat the gun violence epidemic. Part of this requested funding would strengthen existing funding programs, including grants for States, local communities, and Tribes to improve criminal history record information and ensure effective nationwide implementation of background check systems.

New programs are also proposed. A highlight is \$100 million for the Community Violence Intervention Initiative, to assist local communities in developing comprehensive violence prevention and reduction programs, through partnerships between community residents, law enforcement, local government agencies, and other community stakeholders. Using evidence-based solutions such as street outreach, violence interrupters, and hospital-based violence intervention services, the Community Violence Intervention Initiative invests directly in communities to address gang and gun violence.

The budget request also includes funding that would allow the Department to establish innovative new grants for States that want to craft gun licensing and red-flag laws, which temporarily restrict access to firearms by individuals who are in crisis. A new pilot promotes the development, adoption, and use of programs designed to help communities address situations where people become legally prohibited from possessing firearms they own.

2. Protecting Civil Rights and Civil Liberties

Reinvigorating the Department's Civil Rights Components. Protecting civil rights and civil liberties was a founding purpose of the Justice Department and is a top budgetary priority. Far too many still face discrimination in housing, education, employment, and the criminal justice system; and bear the brunt of the harm caused by pandemic, pollution, and climate change.

The President's FY 2022 budget requests an increase of more than \$300 million to reinvigorate the Department's civil rights efforts. The Department requests a total of \$183.2 million, an increase of 15.8%, for the Civil Rights Division (CRT). This would fund 85 new positions – including 60 attorneys – to increase CRT's capacity to protect voting and other statutory and constitutional rights, and to hold those who commit hate crimes accountable.

Among other things, this request would also fund \$90 million in grants to support the development, expansion, and improvement of services for victims of human trafficking and for the investigation and prosecution of trafficking offenses as part of a multidisciplinary approach.

The President has called for, and the Justice Department is developing plans for, reconstituting the Department's Office for Access to Justice. The budget requests \$6 million dollars for this purpose. One role of the Office will be to leverage grant opportunities throughout the Department aimed at increasing access to justice. The FY 2022 request includes several grant programs that would improve access to justice for underserved groups, including grant programs to strengthen the vital work of public defenders, improve juvenile indigent defense, and ensure legal services for victims of domestic violence and sexual assault.

For decades the Department's Community Relations Service (CRS) has been "America's Peacemaker" for communities in conflict. Its staff are trained to mediate disputes and enhance community capacity to prevent and resolve future conflicts independently. When I arrived at the Department, CRS had only a fraction of the conciliators needed at a time of heightened racial tensions and increased hate-based incidents. We are reviving CRS's capacity to improve police-community relations and support communities across the United States that are working to prevent and respond to bias incidents and hate crimes.

In addition, a new grant program to advance civil rights would provide \$20 million for law enforcement agency training on racial profiling, the duty to intervene, and de-escalation.

Investing in Community Policing. Creating strong, positive ties between law enforcement agencies and the communities they serve is critical both to making our communities safe and to rooting out inequities in the justice system. Providing resources to police departments to help them reform and gain the trust of communities is a priority of this Department and this Administration. The budget total for programs that support community-oriented policing and address systemic inequities is nearly \$1.3 billion, with program increases totaling \$379.8 million.

This includes more than \$513 million for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program and a total of \$651 million for the Department's Office of Community Oriented Policing Services (COPS). Among other things, the budget requests a total of \$537

million – an increase of \$300 million – for a critical hiring program administered by COPS. New priority preferences would ensure that resources are used to further policing reform efforts. The Department’s budget addresses the need to further strengthen relationships between communities and police officers by providing grants for hiring local police officers and investing in racial sensitivity, hate crime, and implicit bias training.

The Fiscal Year 2022 budget request includes a total of nearly \$50 million to support the use of body worn cameras by law enforcement officers across America. For the first time, the budget requests \$13.6 million to support the use of body-worn cameras by federally deputized task force officers. And an additional \$35 million in grants for State and local body-worn camera systems included in this budget request would support the purchase and deployment of these important systems, assist in the development of infrastructure to support them, and scale up training and technical assistance to ensure their proper use.

The FY 2022 budget request also recognizes the pressing need for capacity-building within State, local, Tribal, and Territorial law enforcement to address hate crimes and violence against women. The budget proposes to almost double programs that provide training and technical assistance in responding to and investigating hate and bias-motivated crimes. And it would invest \$80 million in programming aimed at treating domestic violence, dating violence, sexual assault, and stalking as serious violations of criminal law, through increased coordination between law enforcement, victim services providers, and non-governmental organizations.

Ending Gender-Based Violence. The President’s budget request includes an historic investment to support the work of the Justice Department’s Office of Violence Against Women (OVW). The COVID-19 pandemic has exacerbated gender-based violence and sexual assault for many women and girls who have been largely confined to their homes with their abusers. The FY 2022 request proposes an investment of \$1 billion to support Violence Against Women Act (VAWA) programs at DOJ, nearly twice the \$486.5 million enacted level for FY 2021.

The budget request includes substantial increases for longstanding VAWA formula programs that have shown success, including programs aimed at enhancing States’ and territories’ ability to finance coordinated community responses to domestic violence and sexual assault and enable rape crisis centers and other supporting nonprofit and nongovernmental organizations to serve tens of thousands additional victims each year.

The budget also requests double the amount allocated for the Transitional Housing Program last year to meet the overwhelming demand, which has increased dramatically over the past year as a result of the COVID-19 pandemic.

The request includes two new programs that meet special needs. The first would enable OVW to develop and maintain a National Deaf Services Line, which would provide virtual services to Deaf victims of all VAWA crimes, provide technical assistance to victim service providers working with Deaf victims, and pilot strategies to expand “for Deaf, by Deaf” in-person services. The second program would address violence against women in Indian Country, by providing funding to cross-designate Tribal prosecutors as Tribal Special Assistant United States Attorneys.

The FY 2022 request would fund several other innovative new programs as well. Highlights among the funding requested for innovative new programs includes: \$20 million to support underserved colleges and institutions to strengthen their responses to domestic and sexual violence and stalking; \$2 million to support greater outreach to, and services for, transgender victims of domestic/dating violence, sexual assault, and stalking; and \$25 million to enable OVW to study the efficacy of restorative justice programs in addressing underreporting of sexual assault, domestic violence, and dating violence by offering victims an option for accountability while responding to their concerns about how they will be treated by the criminal justice systems.

Often, small community-based organizations miss out on federal grants that could increase their effectiveness and reach. The FY 2022 request designates \$5 million to provide capacity-building training and technical assistance that would help community-based organizations apply for and successfully implement federal grant awards in order to directly address this problem.

In addition to expanded funding for OVW programs, the budget request also includes \$120 million for the Sexual Assault Kit Initiative and a new Regional Sexual Assault Investigative Training Academies program to support efforts to eliminate the rape kit backlog. And an additional \$112 million has been requested for the DNA Analysis and Capacity Enhancement Program, which assists with the processing of DNA samples in laboratories and law enforcement agencies across the country and would reduce the backlog in the processing of sexual assault kits.

Addressing Inequities in the Criminal Justice System. The Department's FY 2022 budget invests nearly \$1.6 billion to support criminal justice reform, an increase of \$669.3 million over FY 2021 levels.

Our budget request takes several additional steps to support criminal justice reform in the federal system. It continues the historic investment of \$409.5 million by the Federal Bureau of Prisons for First Step Act implementation. The Office of the Pardon Attorney is also seeking an increase to address the backlog of cases and better support the clemency program. And the Department is requesting additional funding to implement Executive Order 14006 and eliminate the use of privately-operated federal criminal detention facilities by transferring those individuals who are in privately-operated federal facilities to alternative federal, State, and local facilities.

The budget request also includes several reform-oriented grants for State, local, Tribal and Territorial entities distributed by the Office of Justice Programs. More than \$450 million increase in funding would be directed to programs focused on youth. Among other things, these grants would assist local communities in developing comprehensive youth-focused violence prevention and reduction programs, as well as effective alternatives to incarceration. To assist young people who are involved in the justice system, the Juvenile Justice Prosecution and Defense Process Improvement Program would grow to \$40 million in FY 2022, up from \$2.5 million in FY 2021. This funding would support training and technical assistance for public and appointed juvenile defenders. At the same time, this budget request includes a significant boost in the Department's Part B: Formula Grants program to increase prevention and intervention

programs for youth, ensure appropriate accountability for delinquent behavior, and improve the juvenile justice system.

Increases for programs targeted at adults, including programs under the Second Chance Act, would help State, local, and Tribal corrections and public safety agencies to implement and improve a variety of critical reentry services. The FY 2022 budget also requests an increase for the Justice Reinvestment Initiative, which would assist State and local justice stakeholders in developing and implementing innovative and research-based responses that address a range of criminal justice system programs.

Our request also funds programs designed to divert individuals with drug addiction out of the criminal justice system, including through increased support for drug courts, mental health collaborations, and residential substance abuse treatment. The funding request includes a total of \$418 million in grants under the Comprehensive Addiction and Recovery Act (CARA), which would, among other things, support system-wide initiatives that expand locally-driven responses to identify, treat and support those impacted by substance abuse.

Advancing Environmental Justice. The Department is committed to advancing environmental justice and supports the President’s Executive Order 14008, “Tackling the Climate Crisis at Home and Abroad.” The Executive Order establishes a “whole-of-government” approach to addressing the climate crisis and formalizes the government’s commitment to environmental justice.

The FY 2022 budget requests \$44.0 million to advance environmental justice, tackle climate change, and enhance environmental sustainability. This includes increased funding for the Environment and Natural Resources Division to expand its affirmative authorities to advance environmental justice and to address the impact of climate change by reducing greenhouse gas emissions and other pollutants. It also provides funds for continuing defensive and other work related to climate change. In addition, with this support would allow the Bureau of Prisons to invest an additional \$39 million energy-saving modernization and repair projects to replace aging equipment with energy efficient models.

3. Ensuring Economic Opportunity and Fairness

Reinvigorating Antitrust Enforcement. America’s antitrust laws are our country’s charter of economic liberty. For more than a century, the Justice Department’s Antitrust Division has been entrusted with their enforcement. The President’s request to increase the Antitrust Division’s budget by 9% to a total of more than \$200 million reflects our commitment to that vital mission. Every year, the Justice Department’s enforcement of our antitrust laws saves consumers millions and perhaps billions of dollars. The FY 2022 budget request would allow the Department to onboard 90 additional personnel, including 49 attorneys, to advance these efforts to ensure economic opportunity, protect American consumers, and safeguard taxpayer dollars from collusion.

Combating Fraud and Protecting Consumers. The Justice Department is committed to using every available federal tool – including criminal, civil, and administrative actions – to protect consumers and combat and prevent fraud. As part of this budget request, the Criminal Division and U.S. Attorneys’ Offices would receive an additional \$36.4 million to bolster efforts to prevent COVID-19 related fraud and bring to justice those who seek to profit unlawfully from the pandemic. And an additional \$4.8 million is requested for the Civil Division to address increased workload associated with the COVID-19 pandemic, including the pursuit of those who exploit this pandemic to take advantage of the government of their fellow Americans.

Revitalizing Tax Enforcement. The integrity of our tax system is vital to maintaining public confidence and requires ensuring that all taxes that are owed are paid. Honest taxpayers must be able to trust that they will not bear an undue share of the federal tax burden. An increase of nearly 5% is requested for the Department’s Tax Division to fully fund its vital mission of enforcing our tax laws fully, fairly, and consistently with all available tools.

4. Reducing the Immigration Court Backlog

The FY 2022 budget strengthens the ability of the Justice Department to apply the immigration laws justly, consistently, and in a timely fashion, while ensuring due process under the law. The \$891 million budget request for the Department’s Executive Office for Immigration Review includes more than \$177 million in much-needed immigration-related program enhancements.

At the beginning of this Administration, there were nearly 1.3 million outstanding cases before the immigration courts – the largest ever pending caseload. This budget would allow the Executive Office for Immigration Review to onboard a total of 600 new staff, including 100 new immigration judges. This would bring the total number of immigration judges to 734, an increase of 16%. New modernization and efficiency measures would also help reduce the backlog.

To help ensure due process in immigration proceedings, the Department’s Office of Justice Programs would administer a \$15 million pilot program to provide access to legal representation for immigrant children and families who seek asylum and other forms of legal protection in the United States after entering at the borders.

I ask for your support for our budget as the Justice Department works to ensure adherence to the rule of law, to keep our country and communities safe, and to protect civil rights and civil liberties.

Thank you.