The Department of Justice is the Nation’s law enforcement agency. Its wide-ranging mission encompasses violations of Federal law ranging from violent crime to national security and espionage to the pursuit of fugitives from justice. Accordingly, the Department’s FY 2022 President’s Budget request includes a range of law enforcement program increases worth $145.6 million for the Drug Enforcement Administration (DEA), the Federal Bureau of Investigation (FBI), the United States Attorneys (USA), and the United States Marshals Service (USMS) to address critical law enforcement requirements in several emerging threat environments.

1. **Law Enforcement and Justice for Native Americans in Oklahoma**

   The Department of Justice is dedicated to upholding the rule of law. On July 9, 2020, the Supreme Court decided *McGirt v. Oklahoma*, which held that Congress never disestablished the Muscogee Creek Nation Reservation and that, as a consequence, the State of Oklahoma never had jurisdiction to prosecute crimes committed by or against a Native American on the land included within the Reservation. The decision will likely apply to four other tribal nations in Oklahoma. This decision invalidated thousands of prior State convictions, and subsequent crimes committed by or against an Indian within the Reservation are now within the exclusive jurisdiction of either the United States or tribal authorities. As a result, the Federal Government has had to assume broader law enforcement and judicial responsibilities in Oklahoma. The Department of Justice was never funded for these additional law enforcement responsibilities and the President’s Budget requests $70.0 million across four components to temporarily address the implications of this Supreme Court ruling while the Federal government, the State of Oklahoma, and the tribal nations impacted by the
McGirt decision work to address a longer term solution.

**DEA**

**McGirt Resources: $2.7 million and 0 positions**
The DEA’s request for $2.7 million to provide additional staffing support related to the July 9, 2020, *McGirt v. Oklahoma* Supreme Court decision. Funding would assist in deploying personnel to support the Tulsa Resident Office. Currently, the existing Special Agents pursue investigations and oversee the work of the Task Force Officers (TFOs), allowing the DEA to better partner with the TFO workforce and respond to drug threats in the impacted tribal areas that are now a Federal responsibility. *There are no current services for this program.*

**FBI**

**McGirt Resources: $25.5 million and 0 positions**
The FBI requests $25.5 million to address the increased operational need in the State of Oklahoma following the Supreme Court decision in *McGirt v. Oklahoma*. The Major Crimes Act (MCA) and the General Crimes Act (GCA) combine to provide Federal jurisdiction over most serious criminal acts committed by or victimizing a Native American in Indian Country (IC) territory. These acts establish the FBI as having primary jurisdiction over a wide range of criminal acts in IC which typically fall under State or local jurisdiction. On July 9, 2020, the Supreme Court's ruling determined the territorial boundaries of the Muscogee Creek Nation (MCN) fall under Federal IC jurisdiction, rendering the FBI as the responsible law enforcement agency under the MCA for offenses committed by or victimizing a tribal member. The territorial boundaries of the MCN now under FBI jurisdiction encompass most of the City of Tulsa and approximately one million residents, including approximately 60,000 MCN tribal members. *There are no current services for this program.*

**USA**

**McGirt Resources: $33.0 million and 0 positions**
The USA request $33.0 million to fund necessary case-related expenses for the affected United States Attorneys’ offices (USAOs). The resources are needed to address the critical staffing and facility needs of the Oklahoma USAOs because of the sudden surge in casework resulting from the *McGirt v. Oklahoma* decision. The staffing shortages are expected to be temporarily mitigated by leveraging funded detail assignments of existing employees (approximately 137 individuals) from across the United States Attorneys’ community. Funding to the USAOs will also cover contractual support, common non-payroll costs associated with litigation, and the associated facilities need to accommodate the temporary workforce expansion. *There are no current services for this program.*

**USMS**

**McGirt Resources: $8.7 million and 0 positions**
The USMS requests $8.7 million for temporary duty and related assignment costs to address increased law enforcement and detention requirements resulting from the Supreme Court decision in the *McGirt v. Oklahoma* case. *There are no current services for this program.*

2. **Protecting the Judiciary**
The Department of Justice is committed to providing protection for the judiciary within its purview. The USMS protects more than 2,700 sitting judges and approximately 30,300 Federal Law Enforcement and Judicial Security - 2...
prosecutors and court officials across each of the 94 judicial districts and 12 circuits of the U.S. Court of Appeals. The USMS assesses explicit threats and inappropriate communications against the judiciary, U.S. Attorneys, and other court officers to determine the level of danger and offer protective techniques and equipment in all phases of court proceedings, threat situations, and judicial conferences. Yet recent events, such as the attack on Judge Salas’ home, bring into sharp relief the increasing need to improve judicial security.

**USMS**

**Judicial Security and Protection: $33.4 million and 185 positions (53 Deputy US Marshals)**

The USMS requests $33.4 million for a comprehensive approach to strengthening judicial security and protection that addresses activities across the full range of judicial security functions: district staffing, field operations, protective intelligence, residential security, counter-surveillance, training, and contract support. *Current services: $114.9 million and 364 positions.*

**Counterintelligence**

The FBI, as the Nation’s premier counterintelligence agency, requires additional resources to address the emerging threats from hostile foreign actors and intelligence services. The $18.8 million request, including 28 positions (7 agents), is detailed in a classified submission to the Congress.

**FBI**

The FBI requests $18.8 million and 28 positions (7 agents) to further counterintelligence operations. *The current services amount for Counterintelligence is classified.*

3. **Missing and Endangered Children And Critical Technology**

The Department has dedicated $656.3 million toward the effort of finding and protecting missing and endangered children.

**USMS**


The USMS requests $3.3 million to expand USMS support for missing child investigations as authorized by the Justice for Victims of Trafficking Act. *There are no current services for this program.*

**Electronic Surveillance (ELSUR) Upgrade and Replacement: $20.2 million**

The telecommunications industry is driving technology and protocol advances that require timely update or replacement of ELSUR equipment. Changes to the existing 4G protocol, the impending arrival of 5G, and the evolution of technology and protocols all place significant limitations on the ELSUR equipment lifecycle. Considering these continuing developments, this request would provide funding for the USMS to continue its internationally-recognized technical investigative expertise. *Current services: $1.8 million and 0 positions.*