

Presidential Transition 2024



U.S. Department of Justice
Congressional Considerations &
Appropriations Information

Congressional Considerations

Appropriations Issues

(1) FRA/Tight Fiscal Environment

The 2023 enactment of the Fiscal Responsibility Act (FRA), which includes legally enforceable constraints on the growth of federal discretionary spending in Fiscal Years 2024 and 2025, resulted in an FY2024 Commerce, Justice, Science subcommittee (CJS) enactment at less than the FY2023 Department of Justice (DOJ or Department) current services level. A similar level of funding for the Department can be expected in FY2025.

The FRA also prescribes non-legally binding discretionary spending caps for FY2026 through FY2029, but it is now unclear if there will be any effort to enforce these limitations in these out years. Regardless, the fiscal limitations imposed in FY2024 and FY2025 are having a quantifiable effect on the Department's ability to perform its public safety mission. Additional tight fiscal years will create even more pronounced challenges in this regard.

(2) Federal Prisoner Detention (FPD) Funding

The United States Marshals Service (USMS) has no control over the number of federal prisoners remanded to the custody of the Attorney General but nonetheless must ensure sufficient resources are available to house and care for these detainees. The USMS does so, in part, by coordinating the acquisition of sufficient non-federal detention space in the most cost-efficient manner via the FPD program.

In recent years, Congress has consistently underfunded this activity, thereby requiring the Department to seek additional funds and divert funds from elsewhere in the Department in order to prevent funding deficiency. The Department continues to work with Congress in seeking to have it provide sufficient funding for FPD, or, in the alternative, to provide appropriate flexibilities for the Department to use other funding for this purpose.

(3) Crime Victims Fund (CVF)

The CVF is financed by fines and penalties resulting from prosecutions in federal cases. Despite proceeds of Deferred Prosecution Agreements (DPAs) and Non-Prosecution Agreements (NPAs) being added to its revenue stream in 2021, CVF balances have dwindled to the point of threatening solvency in recent years. Both the Department and the Hill are seeking solutions to the funding crunch, but with no breakthroughs thus far.

Additionally, claimants under the U.S. Victims of State Sponsored Terrorism Fund (USVSSTF) have sued the Department seeking reclassification of ~\$1.9B in fines that have been deposited into the CVF over to the USVSSTF. While the Department is expecting a favorable outcome in the relatively near future, both the result and timing of this litigation is now uncertain. Removal of \$1.9B from the CVF would create significant solvency concerns in FY2025.

(4) Supreme Court Justice Residential Security

While not part of its regular mission, on May 6, 2022, at the request of the Marshal of the Supreme Court of the United States (SCOTUS), USMS began providing assistance in securing the residences of the Justices around the clock, 24 hours a day, seven days a week. These costs (~\$30M annually) are absorbed by the USMS at the expense of its other core missions, thereby undercutting USMS' essential functions.

While the Department has been working with both the Appropriations Committees and the Supreme Court Police (SCP) to have these activities properly funded, and ultimately transferred to SCP, the primary challenge in doing so has been a combination of tight budget years and SCOTUS funding coming from a different source (Financial Services & General Government Subcommittee, which does not want to fund activities that USMS is currently providing for "free") than the Department (Commerce Justice Science Subcommittee). Additionally, SCP has not demonstrated itself to be in a hurry to assume these duties, particularly without full funding to do so.

There is notional agreement both on the Hill and with SCP that the latter should assume these duties by the end of FY2026, but that is dependent on SCOTUS receiving the funding and its ability to hire and train sufficient personnel.

(5) BOP Special Salary Rate (SSR)

Because of difficulties it is facing in hiring and retaining qualified Correctional Officer (CO) staff, the Federal Bureau of Prisons (BOP) is seeking authority to implement a Special Salary Rate (SSR) for its General Schedule (GS) employees in corrections facilities. BOP is seeking this authority via the U.S. Office of Personnel Management (OPM), as the latter is able to establish higher rates of basic pay for a group or category of GS positions in one or more geographic areas to address existing or likely significant handicaps in recruiting or retaining well-qualified employees. BOP is also seeking legislative provision of this authority. Even if granted authority to establish an SSR, and even if it would result in the enhanced ability to recruit and retain qualified COs, BOP will still face the significant hurdle of receiving sufficient funding to pay its COs at the higher level.

(6) FBI DNA Backlog

The Federal Bureau of Investigation (FBI) is statutorily mandated to perform analysis on all DNA collected from federal convicted offenders, arrestees, and non-U.S. citizen detainees. Since the full Department of Homeland Security (DHS) implementation of its DNA collection requirement in December 2021, FBI has received an increased flow of samples far exceeding its ability to process. FBI's DNA sample testing backlog was at approximately zero in January 2001 and now stands at approximately 1.8M. While additional resources alone are not likely to be able to solve this issue, significant additional funding will be necessary.

(7) Employee Retention in High Cost of Living Areas

Despite relatively large pay-raise increases to the GS-scale in 2023 (4.6%) and 2024 (5.2%), the cost of living continues to outpace federal wages. DOJ Components, and particularly its law enforcement agencies (LEAs), are having trouble hiring and retaining quality personnel in high cost of living areas around the country (e.g., San Francisco, Honolulu, Miami, Seattle, San Diego, Boston, New York City). While current authorities are statutorily limited to address this issue, affected DOJ Components lack sufficient funding to make an impact commensurate with the scale and scope of the problem. Thus, there are efforts currently underway to seek new authority and associated funding to offer employees housing stipends based on the geography of their employment.

(8) Hate Crimes

Combatting hate crimes remains one of the highest priorities of the Department. DOJ continues to work with Members of Congress to combat and disrupt violence and other unlawful acts of hate. According to the most recent FBI crime statistics, while violent crime decreased overall, there was an increase in hate crimes specifically.

(9) Foreign Interference

Foreign malign influence operations can take many forms, including false personas, fabricated and divisive narrative, and synthetic content disseminated through technology like deepfakes. As the Intelligence Community has publicly reported, these threats are coming from an increasingly diverse, growing, and capable group of foreign actors—most notably Russia and Iran. The Department continues to work closely with the National Security Division, FBI, and other DOJ Components on this issue.

(10) FISA 702

The House and Senate passed a two-year extension of the Foreign Intelligence Surveillance Act (FISA) in April 2024, and the legislation was signed by the President. The Department continues to work with Congress to ensure the use of Section 702 of FISA reflects both a reverence for protecting Americans' civil liberties and due regard for national security.

(11) President Trump Assassination Attempts

The Department is responding to a number of inquiries related to the assassination attempts of former President Donald Trump.

(12) Granting DHS Homeland Security Investigations (HSI) Title 21 Authority

Enforcing the controlled substances laws of the United States remains a top priority of the Department. DOJ continues to work with Members of Congress on the issue of granting DHS-HSI Title 21 arrest authority.

Appropriations Information

House Committee on Appropriations – 118th Congress

Subcommittee on Commerce, Justice, Science, and Related Agencies, including Full Committee Leaders



**Full Committee
Chairman**
Tom Cole, OK



Chairman
Hal Rogers, KY



Ranking Member
Matt Cartwright, PA



**Full Committee
Ranking Member**
Rosa DeLauro, CT

Democrats



Left to Right: Grace Meng, NY; Dutch Ruppersberger, MD; David Trone, MD; Joe Morelle, NY

Republicans



Left to Right: Robert Aderholt, AL; John Carter, TX; Ben Cline, VA; Mike Garcia, CA;
Tony Gonzales, TX; Andrew Clyde, GA; Jake Ellzey, TX

Senate Committee on Appropriations – 118th Congress

Subcommittee on Commerce, Justice, Science, and Related Agencies, including Full Committee Leaders



**Full Committee
Chair**

Patty Murray, WA



Chairwoman
Jeanne Shaheen, NH



Ranking Member
Jerry Moran, KS



**Full Committee
Vice Chair**

Susan Collins, ME

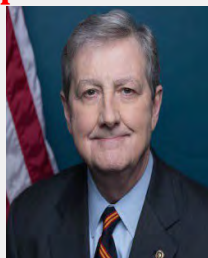
Democrats



Top Row Left to Right: Jack Reed, RI; Chris Coons, DE; Brian Schatz, HI; Joe Manchin, WV; Chris Van Hollen, MD; Jeff Merkley, OR

Bottom Row: Gary Peters, MI; Martin Heinrich, NM

Republicans



Top Row Left to Right: Lisa Murkowski, AK; Susan Collins, ME; Shelley Moore Capito, WV; John Kennedy, LA; Bill Hagerty, TN; Katie Britt, AL

Bottom Row: Deb Fischer, NE