

# Presidential Transition 2024



U.S. Department of Justice  
Hot Topics

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# DEPARTMENT OF JUSTICE

## SUMMARY OF COMPONENTS HOT TOPICS

Component	Topic 1	Topic 2	Topic 3	Topic 4	Topic 5
<b>LEADERSHIP OFFICES</b>					
<a href="#"><u>OSG</u></a>	Supreme Court Docket				
<b>LITIGATION</b>					
<a href="#"><u>ATR</u></a>	Civil Enforcement	Criminal Enforcement	Procurement Collusion Strike Force	Budget and Resources	Interagency Engagement and Policy Initiatives
<a href="#"><u>CIV</u></a>	Three Percent and General Legal Activities Funding	Emergency-Posture Litigation	Single-Judge Districts and Forum Shopping	Technology	Large Scale Torts Litigation
<a href="#"><u>CRT</u></a>	Budget Challenges	Equal Protection Clause Challenges	Disparate Impact Challenges	Transgender Issues	Artificial Intelligence
<a href="#"><u>CRM</u></a>	Violent Crime Initiative	Threats to the Election Community	Fentanyl Trafficking and Finance	Ransomware	Transnational Organized Crime Impacting the Border
<a href="#"><u>ENRD</u></a>	Defending Rules Governing Environmental Review of Agency Action	Gulf of Mexico Biological Opinion ( <i>Sierra Club v. National Marine Fisheries Service</i> (D. Md.))	Climate Change Lawsuits	<i>United States v. Abbott</i> (W.D. Tex.)	Inadequate Budgetary Resources
<a href="#"><u>EOUST</u></a>	High Profile Litigation	Sunset of Legislation that Increased U.S. Trustees Program Fee Collections	Technology Modernization		
<a href="#"><u>NSD</u></a>	Safeguard the American People from Terrorist Threats at Home and Abroad	Defend the Democratic Institutions and Processes of the United States	Protect the Economic Security of the United States	Uphold Public Trust and Confidence in National Security Authorities	Invest in our Workforce and Infrastructure

Component	Topic 1	Topic 2	Topic 3	Topic 4	Topic 5
<a href="#"><u>TAX</u></a>	Complex Transactions and High Net Worth Individuals and Entities	Employee Retention Credit	Employment Tax Crimes	Abusive Transactions	
<b>LAW ENFORCEMENT</b>					
<a href="#"><u>ATF</u></a>	Budget and Hiring to Meet Mission Needs	Emerging Threats Involving Firearms and Explosives Technology	National Services Center Infrastructure	Achieving Comprehensive Crime Gun Intelligence	Enhance Capacity to Deliver Firearms Touch DNA Analysis
<a href="#"><u>DEA</u></a>	Synthetic Drugs	Chinese Money Laundering	End-to-End Encryption/Lawful Access	Budget	Staffing Hiring and Attrition
<a href="#"><u>FBI</u></a>	Budget	Counterterrorism	Lawful Access	Value of Foreign Intelligence Surveillance Act	Ubiquitous Technical Surveillance
<a href="#"><u>INTERPOL – Washington USNCB</u></a>	Executive Leadership - Career Reserved Senior Executive Service Allocation for Director and Deputy Director Positions	Critical Infrastructure Concerns - Information Technology Modernization	USNCB Executive Management Committee		
<a href="#"><u>USMS</u></a>	Judicial Security	Deputy Safety and Wellness	Violent Crime	Staffing and Resources	Technology
<b>CORRECTIONS</b>					
<a href="#"><u>FBOP</u></a>	Infrastructure Maintenance and Repair	Restrictive Housing	Health Care	Contraband Introduction and Drugs	Staffing and Wellness
<a href="#"><u>PARDON</u></a>	White House Guidance and Communication	Clemency Case Processing Modernization	Records Management, Transparency and Public Information	Stakeholder Outreach and Community Engagement	Budget and Staffing Resources

Component	Topic 1	Topic 2	Topic 3	Topic 4	Topic 5
<a href="#"><u>USPC</u></a>	Reauthorization for Two or More Years	Amend Federal Parole Statute (18 U.S.C. 4209) to Permit Virtual Parole Hearings	Increase the Complement of Commissioners and Designate a Chairman		
<b>GRANTS</b>					
<a href="#"><u>COPS</u></a>	Field Engagement - Collaborative Reform Initiative for Technical Assistance Center	Direct Funding to Law Enforcement Programs	Administration Priority Alignment and Implementation of Executive Orders	JustGrants Maintenance and Development	Human Capital Management
<a href="#"><u>OJP</u></a>	Crime Victims Fund	Implementation of the Death in Custody Reporting Act	Inadequate Funding for Research, Evaluation, and Statistics		
<a href="#"><u>OVW</u></a>	Adhering to the Fiscal Year 2025 Grants Schedule and Simplifying Notices of Funding Opportunity	Grant Application Peer Review Contract Re-bid	Managing New Violence Against Women Act Grant Programs and Initiatives	Violence Against Women Act Funds Subsumed by the Department of the Interior under 477 Plans	Hiring and Onboarding
<b>MEDIA AND COMMUNITY OUTREACH</b>					
<a href="#"><u>CRS</u></a>	Protests Connected to CRS Jurisdiction	Tensions with Migrant Communities	Targeting of LGBT Communities	Intersection of Hate Incidents with Gun Violence	Implications of Artificial Intelligence
<a href="#"><u>PAO</u></a>	Staffing	Workspace	Broadcast Facilities and Capabilities	Rollout Strategies	Public Information Officers Training Conference

Component	Topic 1	Topic 2	Topic 3	Topic 4	Topic 5
<a href="#"><u>OTJ</u></a>	Implementation of the Violence Against Women Act 2022 Reauthorization	Implementation of the Joint DOJ/DOI Response to Not Invisible Act Commission Recommendations	Supreme Court Decision in <i>Oklahoma v. Castro Huerta</i>	Improvements to DOJ Tribal Funding Models	Fentanyl, Substance Abuse, and Drug Trafficking
<b>VICTIM SERVICES</b>					
<a href="#"><u>FCSC</u></a>	Albania Claims Program	Cuba Litigation/Special Master	Potential Venezuela Program	Transition to Electronic Records	
<b>MANAGEMENT AND ADMINISTRATION</b>					
<a href="#"><u>EOIR</u></a>	Insufficient Funding to Respond to the Exponential Number of New Cases Filed by the Department of Homeland Security	Improve Access to the Immigration Court System	Retain Highly Engaged and Goal-Driven Employees	Leverage Technology	Improve Internal and External Communication to Ensure Proactive Management of the Immigration Adjudication System
<a href="#"><u>EOUSA</u></a>	Stagnant and/or Decreasing Budget Levels	Electronic Litigation	Surging Civil Defensive Caseloads Amid No New Resources	Decreased Job Applicant Levels	
<a href="#"><u>JMD</u></a>	Departmental Information Technology and Cybersecurity Funding	DOJ Office of the Chief Human Capital Officer Funding and Staffing	Litigation Security Group Staffing Challenges	Strategic Imperatives for Strengthening DOJ's Contracting Workforce	Opportunities and Challenges in Litigation Driven by Transformative Technologies
<a href="#"><u>OIP</u></a>	Volume of Complex Requests and Available Resources	Technology	Federal Employee Privacy Interests - Doxing	Freedom of Information Act (FOIA) Advisory Committees	Leadership Support for Freedom of Information Act
<a href="#"><u>OLC</u></a>	Legal Issues Arising in a Transition	National Security Legal Issues During a Transition			

Component	Topic 1	Topic 2	Topic 3	Topic 4	Topic 5
<u>OLP</u>	National Security and Law Enforcement Technology	Uncrewed Aircraft Systems / Counter-UAS	Chief Science and Technology Advisor and Chief Artificial Intelligence Officer Functions and Team	Data Working Group	Department-wide Review and Clearance of Non-Correspondence Non-Legal Risk Management
<u>OPCL</u>	Designate a Permanent Department Chief Privacy and Civil Liberties Officer Pursuant to DOJ Order 0601	Provide OPCL and Components with Additional Resources	Support Expansion of Privacy Policy and Procedures Work - Emerging Technology	Support Expansion of International Privacy Policy Strategies	Provide Data Protection Review Court with Additional Resources
<u>OES</u>	Departmental Policy Clearances	Justice Manual	Suite Remodeling		

### OVERSIGHT

<u>OPR</u>	Inspector General Access Act	Administrative Suspensions of DOJ Attorneys' Bar Licenses for Failure to Comply with State Attorney Licensing Requirements	Development of Department-wide Policy Addressing Relationships between Department Attorneys and Certain Identified Categories of Individuals	Congressional Requests for OPR Investigations of Allegations Relating to Ongoing High-Profile Litigation Conducted by the Department or Access to Information concerning Such Investigations	
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Component	Topic 1	Topic 2	Topic 3	Topic 4	Topic 5
<u>OIG</u>	Strengthening Public Trust in the U.S. Department of Justice	Strategic Management and Operational Challenges in the Federal Corrections System	Promoting and Safeguarding National Security	Cybersecurity and Emerging Technology	Improving the Management and Oversight of U.S. Department of Justice Contracts and Grants
	<b>Topic 6:</b> Effectively Managing Human Capital				
<b>INITIATIVES, PROJECTS, AND TASK FORCES</b>					
<u>OCDETF</u>	Limiting Mission via Reduced Resources	Information Technology/ Data System Modernization/ Expansion (Information and Intelligence Sharing)	Performance Metrics, Data Analytics, and Program Accountability	Narcotics Trafficking is Transnational Organized Crime	Illicit Finance Investigations

# DEPARTMENT OF JUSTICE COMPONENTS HOT TOPICS

(November 1, 2024)

## LEADERSHIP OFFICES

### Office of the Solicitor General (OSG)

- **Supreme Court Docket:** OSG's workload is primarily driven by the Supreme Court's docket and the decisions of the lower Federal courts. As of September 2024, the Supreme Court has filled less than half of its merits docket for the October 2024 Term; it is difficult to predict the issues and cases that will be added to the docket in the coming months. Based on recent experience, however, it seems likely that OSG will continue to be called upon to respond to a significantly greater number of applications for emergency relief, such as stays of lower-court orders or injunctions pending appeal, than had been typical in previous decades. Those emergency applications strain the Office's limited resources, in part because they often arise at unpredictable times and must be briefed on very tight schedules.

## LITIGATION

### Antitrust Division (ATR)

- **Civil Enforcement:** The Civil Program of the Antitrust Division investigates, and when necessary, sues to enjoin, monopolies, anticompetitive conduct by groups of firms, or proposed mergers that threaten substantially lessening of competition.
  - Near-Term Decisions: Between now and June 2025 the Division must decide what remedies to seek in one (perhaps) two significant monopolization cases against Google. In August 2024, the district court in the District of Columbia ruled that Google had unlawfully maintained its monopoly over general search engines and search text advertising, and ordered a remedies hearing in spring 2025 (U.S. v. Google (Search)). In September 2024, trial began against Google in the Eastern District of Virginia for unlawfully monopolizing the display ad technology markets; the court there has indicated it will issue a decision by the end of the year (U.S. v. Google (Ad Tech)). In addition, between now and next June merger enforcement decisions will regularly arise as merger statutory waiting periods end.
  - Significant Litigation: The Division is actively litigating five other significant cases, each that require substantial personnel and financial resources, targeting monopolization and anticompetitive conduct: U.S. v. Apple; U.S. v. Live Nation (Ticketmaster); U.S. v. AgriStats; U.S. v. RealPage; and U.S. v. Visa. Additional

litigation against anticompetitive mergers and conduct is likely to occur before June 1, 2025, including substantial (b) (5) per ATR

- Investigations: In a typical year more than 1,800 mergers are filed with the Division and Federal Trade Commission. These will result in 40-60 investigations (preliminary or advanced) into those mergers, which may in turn result in suits to block mergers that threaten competition. In addition, at any time the Division has (b) (5) per ATR

- **Criminal Enforcement:** The Criminal Program of the Antitrust Division investigates and prosecutes executives and corporations for antitrust crimes, including price fixing, bid rigging, market allocation, and monopolization, and related crimes that corrupt the competitive process and obstruct antitrust investigations.

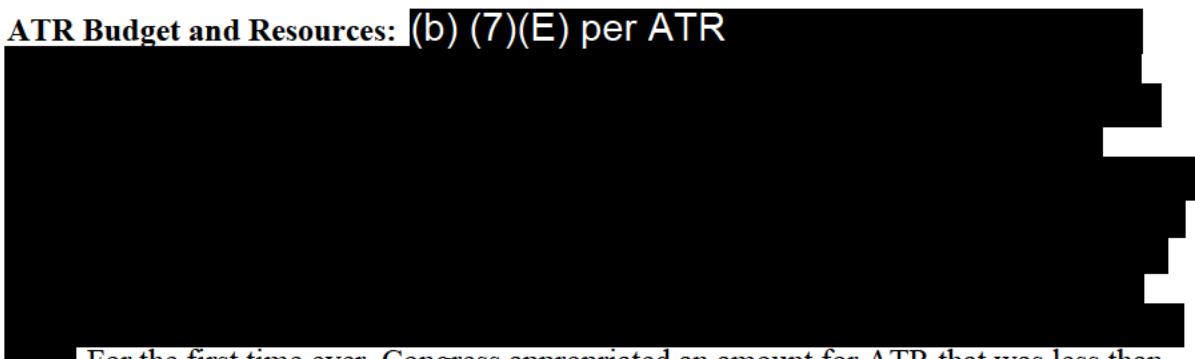
- Upcoming litigation: Four criminal cases are set for trial in Q1 2025 and one more is expected to proceed to trial in the next year. All five cases involve antitrust conspiracies. Two cases also involve related fraud charges, and one case involves related extortion and money laundering charges. All five trials will likely be closely observed by the antitrust defense bar and press. Two cases carry additional programmatic significance: (1) One involves wage fixing charges and represents the DOJ's opportunity to obtain its first labor market collusion trial conviction; and (2) one involves a charged Section 2 monopolization conspiracy and will be the first Section 2 criminal case to proceed to trial in half a century.
- Ongoing investigations: (b) (7)(E) per ATR
- Significant ongoing appeal: The Antitrust Division worked with the Solicitor General's Office to file a petition for certiorari in United States v. Brewbaker, where a decision by the Fourth Circuit incorrectly limited the Antitrust Division's ability to prosecute cartels under the Sherman Act's per se rule. The decision impacts antitrust enforcement in the Fourth Circuit, and defendants are now raising similar arguments in other circuits. A decision on the petition for certiorari may occur as early as November 2024.
- Investigations pipeline: (b) (7)(E) per ATR

- **Procurement Collusion Strike Force:** The mission of the Procurement Collusion Strike Force (the "PCSF"), a nationwide interagency partnership of prosecutors and agents, is to deter, detect, investigate, and prosecute antitrust crimes and related criminal schemes that

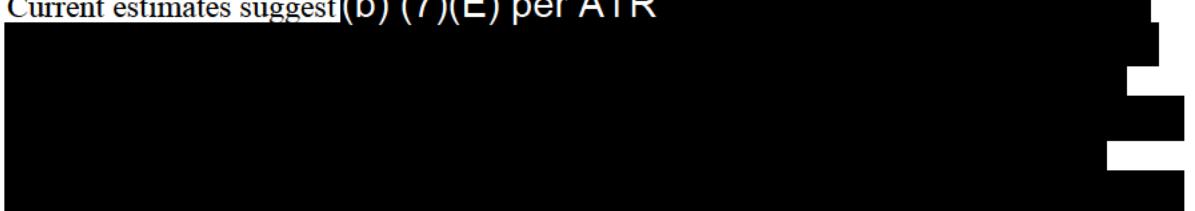
target government spending on goods and services at all levels—Federal, state, and local. ATR leads the PCSF, which also includes U.S. Attorneys' Office (USAOs) from around the country and more than 20 Federal law enforcement agencies; its membership includes over 600 prosecutors, Federal agents, analysts, and investigators. The PCSF was founded in 2019 and will observe its sixth anniversary in November 2025. The PCSF has opened more than 140 criminal investigations and trained more than 36,000 people on the risks that collusion poses in public procurement. The PCSF and ATR have investigated and prosecuted over 80 companies and individuals involving over \$560 million worth of government contracts, resulting in more than \$65 million in criminal fines and restitution. One of PCSF's newest initiatives is PCSF: Global, which applies the PCSF model to U.S. Government spending abroad, focusing on military spending in strategic regions around the world. This work recently resulted in charges against C-suite executives for rigging bids on more than \$75 million in Department of Defense contracts; to date, this work has also led to corporate charges and a \$15 million fine. PCSF: Global's current and near-future focal areas include (b) (7)(E) per ATR



- **ATR Budget and Resources:** (b) (7)(E) per ATR



For the first time ever, Congress appropriated an amount for ATR that was less than the Congressional Budget Office's estimate of Hart-Scott-Rodino (HSR) fees. Congress also, for the first time, prohibited ATR from accessing fee collections above its appropriation. Current estimates suggest (b) (7)(E) per ATR



(b) (7)(E) per ATR

In its FY 2025 budget factsheet, the White House made clear that the “President will work with Congress to make fee funding from pre-merger filing fees mandatory, so that agencies would always have access to the full amount of fees.” There has also been support to make access to merger filing fees mandatory in Congress. The FY 2025 Senate Commerce, Justice, Science subcommittee (CJS) bill includes appropriations language that allows ATR to access HSR collections in excess of its appropriation. This language requires the Attorney General to submit a spending plan to the Appropriations Committee for such amounts to be treated as reprogramming. See S. 4795. Senator Klobuchar introduced legislation that provides a permanent solution by amending the Clayton Act to provide that all HSR fees are to be retained by ATR and the Federal Trade Commission (FTC). See S. 4308, Section 19(b). At the request of the Senate Appropriations Committee, ATR has provided technical assistance that would create a permanent Antitrust Division Reserve Fund by statute (comprised of HSR collections which exceed our appropriations). (b) (7)(E) per ATR

- **Interagency Engagement and Policy Initiatives:** The Policy and Advocacy Program of the Antitrust Division engages with Congress and other governmental agencies to promote competition issues and coordinates policy initiatives to assist the Antitrust Division's enforcement work.
  - Whole-of-Government Approach: President Biden's Executive Order on Competition in June 2021 directed the Antitrust Division to engage with other agencies in a whole-of-government approach to promoting competition. Since then, ATR has reached out to more than a dozen Federal agencies, including the Department of Health and Human Services, the Department of Agriculture, and the Department of Labor, to talk about identifying key competition issues. ATR has also worked closely with other agencies in developing the Merger Guidelines, Bank Merger Guidelines, and other key initiatives, and has entered into memoranda of understanding with the Consumer Financial Protection Bureau, the Department of Agriculture, the Department of Labor, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, and several other agencies. ATR is engaged in ongoing interagency work to promote competition in health care markets through the Health Care Interagency Policy Committee. That work includes (b) (7)(E) per ATR

(b) (7)(E) per ATR

- (b) (7)(E) per ATR ATR is currently engaged in a comprehensive review of its (b) (7)(E) per ATR

Last year, ATR and the Federal Trade Commission issued revised Merger Guidelines after an exhaustive multi-year review process in which the agencies received tens of thousands of public comments. ATR has withdrawn some outdated guidance documents, (b) (7)(E) per ATR

- Interagency Comment Program: In the past three years, ATR has submitted nearly twenty comments to other agencies providing guidance on competitive dynamics in relevant industries and advocating for regulatory actions that promote competition. ATR is constantly monitoring other agencies' activities to determine when engagement would be helpful, and the Division is currently engaging with multiple agencies to determine whether filing a comment would be helpful.
- Horizon Scanning: ATR's Policy and Advocacy program engages in horizon-scanning for key sectors to identify emerging competition issues and provide expertise and guidance to case teams when investigations arise in these areas. Currently, ATR is monitoring emerging technologies like (b) (7)(E) per ATR and the markets related to those technologies to develop the expertise necessary to identify competitive concerns and support any investigations or enforcement actions in those areas.

## Civil Division (CIV)

- **Three Percent and General Legal Activities Funding:** The Civil Division is experiencing pressure on its Three Percent and General Legal Activities funds. Facing flat and reduced budgets, the Division has insufficient funding for staffing, e-discovery, and other critical automated litigation support which creates significant challenges with an ever-increasing caseload that includes complex and voluminous discovery data. (b) (5), (b) (7)(E) per CIV

Understaffing for consecutive years is likely to generate retention problems in the near-term, impacting our ability to handle high-stakes litigation challenging, among other things, the Executive Branch's most significant programs and policies.

- **Emergency Posture Litigation:** Recent trends in nationwide preliminary injunctions, administrative stay practices in the courts of appeals, Temporary Restraining Orders in non-emergency matters, and the Supreme Court's emergency docket have all made our work much more difficult. They have meant that an increasingly larger share of our litigation occurs on a compressed timeline, straining our attorney and staff resources.

- **Single-Judge Districts and Forum Shopping:** These filing decisions of plaintiffs make our defensive work more challenging. Litigants challenging Federal policies and programs file suits in single-judge divisions and are thereby able to secure predetermined judge assignments making adverse judgments more likely in our litigation matters.
- **CIV Technology:** Budget constraints are resulting in CIV's technology capabilities experiencing several core areas of strain: (b) (5), (b) (7)(E) per CIV [REDACTED] These deficits are causing the Division's vulnerabilities and risks to become more pronounced and are adversely affecting employee morale and the ability to accomplish all aspects of the Division's mission. (b) (5), (b) (7)(E) per CIV [REDACTED]
- **Large Scale Torts:**
  - Camp Lejeune Justice Act: CIV's \$20.9 million Camp Lejeune Litigation continues to experience an ever-increasing workload for the Division's Environmental Torts Litigation Section (ETL). ETL is assisting the Navy with the administrative claims and preparing for and handling the court litigation. Given the number of cases, this work is expected to continue for a significant period of time. (b) (5) per CIV [REDACTED]
  - Key Bridge Allision: The M/V DALI's allision with the Francis Scott Key Bridge shortly after midnight on March 26, 2024, has created a significant challenge for the small Aviation, Space and Admiralty Litigation Section (ASA) litigating on behalf of the United States. The Key Bridge litigation is expected to be worth one-hundred million dollars and will require the management of massive numbers of documents in electronic format. The expected volume of documents that will need to be managed, analyzed, and produced in the M/V DALI matter will be immense. The Division expects to receive massive quantities (likely millions) of electronic documents from the U.S. Army Corps of Engineers; the U.S. Coast Guard; the Unified Command in charge of the recovery efforts and clean up; the U.S. Department of Transportation; the National Oceanic and Atmospheric Administration; the Maryland Department of Transportation; Grace Ocean (the vessel owner); and Synergy (the vessel operator/manager). CIV will need to intake those documents, analyze them for relevance and for privilege, and produce them to our experts and to opposing counsel for the vessel interests, all in a timely manner that will be subject to court orders. (b) (5) per CIV [REDACTED]

## Civil Rights Division (CRT)

- **Budget Challenges:** Tracking 2025 appropriations bills with a wide disparity between the House and Senate funding level, similar to 2024 when CRT and the other litigating components saw significant budget cuts.
- **Equal Protection Clause Challenges:** Defending Equal Protection Clause challenges to agency programs (e.g., the Small Business Administration's Section 8 program, the U.S. Department of Transportation's Disadvantaged Business Enterprise Program) that include race-conscious eligibility criteria or presumptions for participation.
- **Disparate Impact Challenges:** Enforcing existing disparate impact Federal regulations and guidance; defending against attacks on disparate impact enforcement; developing intentional discrimination theories and strategies to address problems that have traditionally been addressed through disparate impact theories.
- **Transgender Issues:** Combatting the increasing quantity and range of attacks on transgender adults and minors, ranging from hate crimes to discrimination in employment, education, health care, correctional/incarcerable settings, public benefits, etc., and defending challenges to regulatory and subregulatory Federal agency guidance that implicate transgender rights.
- **Artificial Intelligence:** Funding and infrastructure shortcoming that make challenges to ensure that artificial intelligence (AI) advances do not violate civil rights more difficult.

## Criminal Division (CRM)

- **Violent Crime Initiative:** Violent crime, especially when committed by gangs and other violent criminal organizations, threatens the safety and security of our communities. These violent groups are particularly dangerous as they are involved in sustained, directed criminal activity through leaders often insulated from the conduct of their underlings. These groups prey on the most vulnerable members of communities because they know that they are susceptible to exploitation and intimidation, thus inhibiting cooperation with law enforcement. In 2022, following the post-pandemic surge in violent crime in communities across the country, the Criminal Division developed the Violent Crime Initiative (VCI). The Initiative uses data to identify communities that are most in need of assistance and surge DOJ resources to those cities in a collaborative enforcement model that prioritizes dismantling violent criminal organizations; it prioritizes community outreach, and it uses data to focus on the “worst of the worst” offenders and recidivists responsible for the violence. The VCI however, requires a commitment of resources to ensure its success, which is particularly challenging given the current budget environment.
- **Threats to the Election Community:** National enforcement and coordination of threats to the election community. Threats continue in the final weeks leading up to the election and

may accelerate after the election as results are announced, tabulations are ongoing, requests are lodged for audits and recounts, and litigation is filed challenging the results.

- **Fentanyl Trafficking and Finance:** The unprecedented scourge of addiction and death caused by the trafficking of fentanyl continues to pose a threat to individuals and to our national security. The involvement of large, violent foreign cartels and more decentralized transnational criminal organizations (TCOs) in the supply chain and in other criminal activity that facilitates this trafficking calls for a continued and focused multi-faceted approach in partnership with fellow Federal prosecutors and more broadly within DOJ, as well as with interagency partners, to address this threat. This approach will facilitate the dismantling of cartels and TCOs through targeted prosecutions, ensuring the adoption and effective implementation of critical domestic legislation, and expanding effective bilateral and multilateral counternarcotics engagement with foreign counterparts. In addition, the Criminal Division and United States Attorneys' Offices (USAOs) across the country should employ all available tools to disrupt the supply chain and distribution of illicit fentanyl and other synthetic opioids. USAOs and agencies must have the capability and resources to investigate and prosecute those involved at all levels in manufacturing, importing, and distributing these deadly drugs. (b) (5), (b) (7)(E) per CRM

- **Ransomware:** Ransomware is among the most urgent current threats to national security. Ransomware attacks continue against U.S. victims in all sectors, including healthcare, government, education, and other critical infrastructure entities. As a result, schools, hospitals, and local governments have had to close their doors or curtail services while they recover; and these high-profile attacks invite questions about why the Federal government is not doing more to respond. Recognizing the urgency of the problem, the National Cybersecurity Strategy called for the use of law enforcement to disrupt ransomware crime and claimed, “[t]he Administration is committed to mounting disruption campaigns and other efforts that are so sustained, coordinated, and targeted that they render ransomware no longer profitable.” The Criminal Division’s Computer Crime and Intellectual Property Section (CCIPS) has responsibility for ransomware in the Department. A September 2024 OIG Report found that CCIPS led the Department’s ransomware efforts and prioritized the ransomware threat with its existing resources. While CCIPS has excelled in that work with existing resources, and the OIG report contained no recommendations for CCIPS, CCIPS has not, since 2016, been authorized to increase its experienced attorney headcount. (b) (5), (b) (7)(E) per CRM

- **Transnational Organized Crime (TOC) Impacting the Border:** Many transnational criminal enterprises are well-aware of the challenges faced by U.S. law enforcement when the conspiracy's leaders benefit from operating overseas, frequently in countries where their criminal activity is tolerated or even supported. They view their operatives in the United States as easily replaceable, and reactive prosecutions routinely fail to dismantle the leadership of these groups. Further, by engaging in far-reaching schemes that victimize large numbers of people and threaten the safety and security of the American public, it is a frequent challenge for U.S. law enforcement to fully recognize the scope of the crimes and the need to target leaders who do not have physical ties to the district of investigation. In addition, criminal groups like Mexican-based cartels and other gangs who have traditionally focused on narcotrafficking as their primary means of profit have increasingly expanded their criminal activities to other money-making activities, such as human smuggling, human trafficking, weapons trafficking, kidnapping and extortion. (b) (5), (b) (7)(E) per CRM

[REDACTED]

- **Holding Individuals and Corporations Accountable for Corruption, Fraud, and Money Laundering:** The Criminal Division leads the Department's corporate enforcement efforts through innovative policies and robust corporate enforcement. In August 2023, the Criminal Division rolled out the Department's Corporate Whistleblower Awards Pilot Program (CWA). This new program uses the Department's forfeiture laws to incentive individuals who see something to say something by providing an opportunity to earn a portion of the assets forfeited. It is a three-year pilot focused on four tailored program areas where Criminal Division has specialist prosecutors. The Criminal Division's Money Laundering and Asset Recovery Section (MLARS), as the leader of the Asset Forfeiture Program manages CWA in close coordination with the Fraud Section and Public Integrity Section. Over the next three years, MLARS will coordinate the program, which will hopefully generate tips for new corporate cases involving forfeiture.

## Environment and Natural Resources Division (ENRD)

- **Defending Rules Governing Environmental Review of Agency Action:** On May 1, 2024, the Council on Environmental Quality (CEQ) issued its Bipartisan Permitting Reform Implementation Rule which revises regulations implementing the National Environmental Policy Act. The rule has been challenged by 20 states in the District of North Dakota. CEQ's 2024 rule replaced its July 2020 rulemaking entitled "Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act. In 2024, National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (together, the Services) amended the Endangered Species Act (ESA) regulations implementing the ESA's listing, critical habitat, and consultation provisions. The 2024 regulations were the result of the Services' reconsideration of regulations promulgated in 2019, which had been remanded to the Services by district courts hearing several legal challenges to the 2019

regulations. Suits challenging the ESA regulations are pending in U.S. District Court for the District of Maryland and the U.S. District Court for the District of Columbia.

- **Gulf of Mexico Biological Opinion (Sierra Club v. National Marine Fisheries Service (D. Md.)):** In October 2020, environmental plaintiff brought an ESA and Administrative Procedure Act challenge against the National Marine Fisheries Service's (NMFS) March 2020 programmatic biological opinion (BiOp) regarding the effects of Federally regulated oil and gas program activities expected over the next 50 years in the Gulf of Mexico. On August 19, 2024, the court granted plaintiff's motion for summary judgment and vacated the 2020 BiOp effective December 20, 2024. On September 16, 2024, we filed a motion to amend or alter the Court's judgment under Fed. R. Civ. P. 59(e) to delay the vacatur date until May 21, 2025.
- **Climate Change Lawsuits:** In 2024, the Environmental Protection Agency (EPA)+D8 published final rules under section 111 of the Clean Air Act establishing greenhouse gas emission standards for fossil-fuel fired power plants and oil-and-gas sources, along with final rules under section 202 of the Act establishing revised greenhouse emission standards for light and heavy-duty vehicles. These standards are being contested by state and industry petitioners in the D.C. Circuit. Our briefs in each of these cases will be filed by January 20, 2025, but oral arguments have not yet been scheduled and no decisions are expected until the spring of 2025. In addition, various states and local governments have brought over a dozen suits against fossil fuel companies in Federal and state courts around the country, alleging that the companies' actions have contributed to climate change and that the governments should be compensated. In June 2024, the Supreme Court requested the views of the Solicitor General on whether certiorari should be granted in *Sunoco LP v. Honolulu and Shell PLC v. Honolulu*.
- **United States v. Abbott (W.D. Tex.):** The State of Texas placed a floating barrier in the Rio Grande at Eagle Pass, Texas, consisting of a chain of buoys extending for approximately 1,000 feet anchored by thousands of tons of concrete. In July 2023 we filed a complaint and motion for preliminary injunction arguing that the barrier violates Section 10 of the Rivers and Harbors Act. The court granted the preliminary injunction, but the Fifth Circuit issued an en banc opinion reversing the district court. Trial begins in district court on November 7, 2024.
- **Inadequate Budgetary Resources:** Budgetary resources provided to ENRD in FY 2024, particularly from the Division's Congressional appropriation, were insufficient to cover payroll and sustain operations. The Division's FY 2024 appropriated budget was cut \$5.7 million (4.4%) at a time when pay rates increased by 5.2% and other operational costs also increased. As a result, in addition to cutting millions of dollars in ENRD expenses, the Department had to effectuate a one-time \$5 million reprogramming from another General Legal Activities component to ENRD's account. Prospective FY 2025 funding is also expected to pose similarly immense -- perhaps insurmountable -- fiscal challenges for the Division. FY 2025 funding marks in the House and Senate are far below acceptable levels and will not be sufficient to cover full year personnel and operational costs. At the same time, Department 3% funding has been stagnant and remains at risk of decreasing; and

Superfund reimbursable funding/billables from EPA have been steadily declining. The Division urgently needs a long-term structural fix for its budget.

### Executive Office for United States Trustees (EOUST)

- **High Profile Litigation:** The United States Trustees Program (USTP) has been involved in two areas of high profile and sometimes sensitive litigation that have required close coordination with DOJ leadership and other components that will likely extend beyond the transition. First, the USTP prevailed in its appeal at the Supreme Court of the Purdue Pharma bankruptcy case that extended a form of civil immunity for the nondebtor Sackler family, in exchange for multi-billion dollars in contributions to Purdue Pharma's plan of reorganization, from the claims of opioid victims who did not consent to that immunity under the "nondebtor release." Now the USTP confronts, and will continue to confront, dozens of bankruptcy cases seeking to define creditor consent for nondebtor releases, including the Purdue Pharma case where negotiations continue among the Sackler family, State AGs, and many others. Similar consent issues are also at issue in the third bankruptcy case filed by a Johnson & Johnson affiliate seeking to protect Johnson & Johnson from further tort litigation over its talc products. Second, in one of the largest ethical failures in a bankruptcy court in decades, the USTP is pursuing litigation to clawback fees and to impose sanctions on a law firm whose partner was in an undisclosed, cohabiting relationship for years with a bankruptcy judge while the judge presided over the firm's cases and awarded the firm fees of over \$13 million. The judge resigned after the Fifth Circuit publicly filed an ethics complaint against him.
- **Sunset of Legislation that Increased USTP Fee Collection:** The USTP is funded solely through appropriations that are offset by fees paid by debtors and are deposited into the U.S. Trustee System Fund (the "Fund"). In 2017, Congress increased quarterly fees paid in the largest chapter 11 business cases and set a cap on balances that may be held in the Fund. In 2020, Congress sought to address revenue and scoring issues by reducing the amount of fees paid by nearly every chapter 11 debtor, and redirecting some of the excess receipts to offset other costs of the bankruptcy system, including to fund the bankruptcy courts and additional compensation to private trustees. The temporary fee increase is set to expire at the end of calendar year 2025, and the funding to the judges and private trustees at the end of FY 2026. As Congress intended, the USTP replenished the Fund and, prior to the unprecedented decline in caseload due to the pandemic, it fully offset its appropriation with new revenue collected between FY 2018 and FY 2021. Should that fee schedule revert to the pre-2017 amendment level, the USTP estimates that it will be unable to offset its appropriations in the outyears. The USTP supports legislative approaches to address the upcoming expiration of the legislation, including the adjusted quarterly fee schedule.
- **Technology Modernization:** Due to a lack of funding, the USTP's central case management system, which is over 30 years old, runs on a mainframe green-screen. The system currently houses over 33 million cases, including about one million ongoing cases. USTP staff use the system to identify a particular debtor's case, review the status, manage civil enforcement deadlines, and monitor for possible fraud and abuse. The Program is at greater risk from

malicious cyber-attacks given the significantly outdated underlying technologies. All of these individual stovepipe systems are expensive to maintain and update, require users to toggle inefficiently between systems for related tasks, have capability gaps that require staff to perform certain functions outside of the systems and through manual processes, and forego the efficiencies inherent in present-day data management and analysis solutions. The Program is seeking funding from multiple sources to accelerate development of a replacement system.

## National Security Division (NSD)

- **Safeguard the American People from Terrorist Threats at Home and Abroad:** NSD leads the Department’s efforts to combat all forms of terrorism. NSD remains vigilant to threats from international and foreign terrorist groups. NSD’s counterterrorism program has also evolved significantly to address the range of threats inside the United States, including from domestic violent extremists motivated by racial and ethnic bias, and anti-government or anti-authority sentiments. NSD will continue to execute on its well-established playbook, drawing on the experience and expertise of the Counterterrorism Section, Office of Intelligence, and NSD’s enduring partnerships within DOJ and across the government, to identify, investigate, disrupt, deter, and prosecute terrorism crimes.
- **Defend the Democratic Institutions and Processes of the United States:** The efforts of hostile adversary nation states and domestic actors to undermine U.S. democratic processes and institutions represent a significant challenge to our democracy. NSD is committed to using all available tools to combat the actions of adversary nations to intimidate and threaten people inside the United States and to do our part to protect public servants from threats and acts of violence directed at them. NSD is also committed to countering foreign malign and covert influence in our democracy and efforts to sow discord and compromise the integrity of national political discourse and encouraging transparency through a range of tools, including the Foreign Agents Registration Act.
- **Protect the Economic Security of the United States:** The national security of the United States is inextricably linked to the strength, security, and resilience of the U.S. economy. America’s adversaries seek to undermine U.S. economic security by stealing intellectual property and cutting-edge technology through illicit means in order to obtain competitive advantages across research and development in areas of promise, spanning from artificial intelligence to semiconductors to quantum computing. NSD coordinates and unifies the Department’s efforts to combat economic espionage, the evasion of sanctions and export controls, and the use of illicit cyber means to threaten critical infrastructure upon which the U.S. economy relies. NSD will make new investments in private sector outreach to encourage corporate compliance and partnership to guard against disruptive technologies falling into the wrong hands.
- **Uphold Public Trust and Confidence in National Security Authorities:** NSD is responsible for ensuring that the U.S. Intelligence Community has the authorities it needs to gather intelligence and keep the Nation safe, and that the government exercises those

authorities in a manner that safeguards civil liberties and that upholds the trust of the American people. The public's trust and confidence in U.S. national security programs is essential to their operation and legitimacy. NSD is responsible for overseeing the foreign intelligence and other national security activities of the U.S. Intelligence Community to ensure compliance with the Constitution, relevant statutes, court orders, and Executive Branch policies.

- **Invest in our Workforce and Infrastructure:** NSD's greatest resource is its people. To succeed in its mission, NSD must recruit, hire, train, and retain a diverse cadre of personnel reflective of the national labor force and motivated to make unique contributions to some of the most complex national security challenges facing the country. NSD must also leverage cutting-edge technologies to maximize productivity, improve operational efficiency, and ensure mission success.

## Tax Division (TAX)

- **Complex Transactions and High-Net Worth Individuals and Entities:** The Internal Revenue Service (IRS) received \$25 billion from the Inflation Reduction Act for increased tax enforcement in addition to its annual appropriations. As a result, the IRS is expanding enforcement activities focused on taxpayers with complex tax filings and high-dollar noncompliance issues. This focus includes initiatives to expand enforcement relating to large corporations, complex partnerships, and high-income, high-wealth individuals. These investigations often involve complex and novel emerging issues such as digital assets, abusive transactions involving third parties, and offshore transactions. The IRS, however, cannot achieve all of those goals itself. The Tax Division is a critical partner in the success of this endeavor through its work enforcing the IRS's information demands in audits, litigating civil enforcement actions, defending against unwarranted claims, and prosecuting tax crimes. Because of the anticipated increase in tax enforcement from the IRS's enforcement-related hiring in the last two years, the Division expects civil and criminal referrals from the IRS to increase proportionally in FY 2025 and subsequent years.
- **TAX Employee Retention Credit:** Enacted as part of the Inflation Reduction Act, the Employee Retention Credit (ERC) is a refundable tax credit designed for businesses that continued paying employees during the COVID-19 pandemic. Along with the millions of valid claims received, the IRS received many ineligible or potentially fraudulent claims for the credit, some of which were incorrectly paid. The IRS is working to voluntarily recoup payments of the ineligible claims and is scrutinizing the remaining unprocessed claims. The Division has received a significant number of criminal referrals from the IRS and anticipates additional criminal referrals from the IRS's ongoing investigations. The Division is also being called on in civil matters to defend the increasing number of taxpayers who are filing refund suits after the IRS has been unable to review and act on their ERC claim. The Tax Division's ERC litigation workload is expected to increase during FY 2025.
- **Employment Tax Crimes:** The Tax Division, working in close partnership with IRS Criminal Investigation, continues to focus its efforts on employers who willfully fail to

collect, truthfully account for, and pay over employment taxes to the IRS. Employers have a legal obligation to withhold Federal income, Social Security, and Medicare taxes from their employees' wages, hold these funds in trust, and then pay them over, along with a matching amount of Social Security and Medicare taxes, to the IRS. Employment taxes and income taxes withheld comprised 70.2% of the total revenues collected by the IRS in FY 2023 and the IRS estimates that over \$100 billion in employment taxes went uncollected in FY 2021. The Division continues its efforts to prosecute the willful failure to pay over employment taxes withheld from employees' wages. Some of the Division's recent prosecutions include securing a guilty plea from various individuals/business owners who failed to pay over millions in taxes withheld from employees' wages.

- **Abusive Transactions:** By definition, “abusive transactions” include the organization or sale of any plan or arrangement promoting false or fraudulent tax statements or gross valuation misstatements, aiding or assisting in the preparation of a return or document to obtain tax benefits not allowed by law, and actions to impede the proper administration of the Internal Revenue Code (IRC). Abusive transactions include tax shelters (any partnership, entity, arrangement, or other plan where its significant purpose is to evade taxes), abusive micro-captive transactions (insurance companies where the owners elect to be taxed on the captive’s investment income, but which often involve schemes that lack many of the attributes of legitimate insurance and excessively high premiums), and syndicated conservation easements (which involve obtaining a fraudulent, inflated appraisal value of land to take a similarly inflated deduction), all of which are designed to evade taxes, hide assets, or take inflated deductions to reduce the amount of taxable income. The Division pursues those who promote the use of fraudulent tax shelters and other schemes- many of which have a significant offshore component. The Tax Division vigorously employs a range of criminal and civil tools, including civil injunctive relief and criminal prosecutions, to address these abusive activities.

## LAW ENFORCEMENT

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

- **ATF Budget and Hiring to Meet Mission Needs:** ATF's enacted FY 2024 budget of \$1.625 billion included a \$47 million in real dollar reduction in funding—which represents a 2.8% real dollar cut in funding for ATF's salaries and expenses. This cut, when combined with the \$53 million in adjustments-to-base requested by the President's budget (which included a 5.2% salary increase mandate), resulted in a \$100 million net reduction in ATF resources for FY 2024—which was a 6% cut in ATF's capacity to maintain current services. ATF's FY 2025 budget requests total funding of \$1.952 billion to carry out ATF's mission of ATF protecting communities from violent crime, including from criminals, criminal organizations, the illegal use and trafficking of firearms, the illegal use and storage of explosives, acts of arson and bombings, acts of terrorism, and the illegal diversion of alcohol and tobacco products. The FY 2025 budget request recognizes that ATF's funding must bring us back to an even baseline with proposed base adjustments of \$71.9 million. In FY 2024, ATF was forced to cancel four special agent (SA) classes (of 24 agents each) that would have

resulted in 96 additional SAs. ATF has also cancelled an additional SA class and two industry operations classes for FY 2025. Based on our projection, ATF will be down more than 150 SAs by the end of Calendar Year (CY) 2024 as a result of attrition and, due to hiring freezes, will be unable to replace these SAs. ATF was down by more than 100 SAs by the end of FY 2024. ATF has also had to delay the onboarding of more than 50 Task Force Officers. This diminishes the quality and quantity of ATF's trafficking investigations, including Operation Southbound, ATF's strike forces to combat gun trafficking, and the implementation of the Bipartisan Safer Communities Act. In FY 2025, ATF is committed to hire 375 SAs, 300 industry operations investigators, and 200 professional/tech series.

- **Emerging Threats Involving Firearms and Explosives Technology:** A critical aspect of ATF's mission is adapting and responding to emerging public and law enforcement officer safety threats arising from technological developments that facilitate the criminal use of firearms and explosives. One of the most prominent of these emerging threats in recent years has been the proliferation of illegal machinegun conversion devices (MCDs). MCDs allow criminals to easily convert lawful semi-automatic firearms, including easily concealable handguns and AR-type rifles, into illegal machine guns. As reflected in the Volume II of the National Firearm Commerce and Trafficking Assessment (2023), reported recoveries of MCDs increased 570% between 2011 and 2021. MCDs are now the most frequently recovered type of illegal firearm, accounting for almost 55% of the firearms recovered in ATF trafficking investigations between 2017 and 2021. In the past three years, MCDs have been increasingly used in mass shootings and assaults on law enforcement officers, underscoring the immense public safety threat they pose. The proliferation of MCDs has been facilitated by the increasing affordability and availability of 3D printing technologies (additive manufacturing), particularly 3D printers designed for home use. Data files to 3D print MCDs for both handguns and rifles are accessible on the internet and can be made using an inexpensive 3D home printer in less than an hour. The same 3D technologies used to illegally produce MCDs have also been used to unlawfully produce other weapons, including silencers, firearms that are designed to defeat security detection devices in violation of the Undetectable Firearms Act, and components for improvised explosive devices. Finally, 3D technologies are now increasingly used by non-licensed persons and entities to produce frames, receivers, and other components for un-serialized Privately Made Firearms (PMF), commonly known as "ghost guns." While the private making of a firearm by a non-prohibited person for personal use is lawful, the ready availability of these technologies also enables prohibited persons and criminal organizations to produce untraceable firearms, which are weapons of choice for violent offenders. PMFs are increasingly recovered by law enforcement in criminal investigations, particularly homicide and aggravated assault cases. ATF has taken proactive steps to confront the threats of MCDs, undetectable firearms, destructive devices, and PMFs used in crimes, including by establishing its Emerging Threats Center (ETC). The ETC works with other ATF components and external partners to conduct multijurisdictional investigations, undercover operations, and other investigative functions related to the unlawful use of changing and emerging technologies that pose a threat to public safety. The use of emerging technologies, such as 3D printing, to unlawfully make MCDs, certain firearms, and destructive devices also highlights existing and potential gaps in the Federal firearm and explosives laws. As the Department's firearm and explosives subject-matter expert, ATF provided technical assistance to Congress and the Executive branch in the

development of proposals to modernize and update Federal statutes as they relate to machineguns, MCDs, destructive devices, and other emerging technologies.

- **National Services Center Infrastructure:** The Administration's FY 2025 budget request included a specific program increase of \$43.9 million and 25 positions for the expansion of ATF's National Services Center (NSC). NSC houses several ATF functions, including the National Tracing Center (NTC), the Firearms and Ammunition Technology Division (FATD), and the National Firearms Act (NFA) Division. The physical infrastructure of the NSC is in dire need of modernization and extensive repairs. As a result of the growing demand for services across the spectrum of responsibilities in that facility, infrastructure deficiencies have now reached a tipping point requiring funding to update ATF's cramped and out-of-date facility in Martinsburg, West Virginia to better respond to trace requests, NFA applications, and provide the proper updated facilities for the nation's premier firearms experts at the FATD, as well as meeting/training and conference space, and seating and file space for employees and contractors. Failing to provide sufficient funding for the NSC will have a series of impacts on ATF, including: 1) NTC, the nation's only crime gun tracing center, provides investigative leads to law enforcement to determine the original source market from which a recovered crime gun originated. Failing to provide NSC-specific program enhancement funding will result in crime gun traces taking even longer than the current 8-day response time, which will result in the risk of investigative leads going cold and likely leave shooters on the streets longer; 2) FATD, which conducts firearms examinations and analysis essential to addressing emerging trends fueling firearms violence (such as privately made firearms or 3-D printed machine gun conversion devices) lacks sufficient space to house ATF's National Reference Collection or processing firearms for criminal investigations; and 3) unacceptable backlogs of NFA applications as well as significantly increased processing times of NFA applications.
- **Achieving Comprehensive Crime Gun Intelligence (CGI):** CGI allows ATF to provide critical tools to local and state law enforcement to combat violent crime. ATF's unique CGI tools include three core pillars: National Integrated Ballistic Information Network (NIBIN), e-Trace, and DNA analysis which allows ATF to connect shootings to a specific firearm and link a firearm to a specific shooter, which produces real-time investigative leads. Crime Gun Intelligence Centers (CGICs) are founded on the principles of CGI. Across the country, ATF operates more than 100 CGICs, which allows ATF to combine CGI with our partnerships in law enforcement in one location to better identify, track, and disrupt the worst offenders while avoiding broader impact on the entire community. Between 2017 and 2021, CGIC referrals increased by 20%. In the current budgetary environment, particularly in light of the significant cuts in resources in the FY 2024 Appropriations Act, ATF has already been forced to decrease ATF's CGI services, thereby impeding the flow of timely investigative leads to our state and local law enforcement partners, including delays in crime gun tracing requests, ballistic evidence processing, and DNA forensics that can tie individuals to unsolved crimes. Also, ATF will not be able to further expand the services ATF can provide to local and state law enforcement by bringing on more partners into the Bureau's correlation centers. The President's FY 2025 program enhancements for ATF included a request entitled "Enhancing NIBIN and Crime Gun Intelligence." That request sought to, among other things, increase capacity for ATF to provide timely NIBIN investigative leads to our state

and local law enforcement partners, increase the number of new NIBIN sites across the nation to onboard new law enforcement partners, and fund the integration of 100 of the top-volume law enforcement agencies into our NIBIN Enforcement Support System, which leverages crime gun intelligence in a more efficient manner by focusing resources for the greatest impact on violent crime. CGI has been used to bring down violent crime. In FY 2024, ATF has executed its mission to the best of its ability, and as a result, our nation saw one of the steepest single-year declines in violent crime in its history -- murders down nearly 13 percent across 175 cities.

- **Enhance Capability to Deliver Firearms Touch DNA Analysis:** As a result of appropriations in FY 2023 provided by Congress, ATF is in the process of building a new forensic crime gun intelligence (CGI) laboratory in Wichita, Kansas which will greatly expand the Bureau's abilities to combat violent crime using forensic science and provide quality training to the next generation of forensic examiners. DNA analysis of fired cartridge cases (FCC) has recently become a significant addition to United States CGI gathering. This technique has proven successful in providing valuable investigative information to law enforcement, including identification of persons of interest in many cases. Unfortunately, since the development of this technique by the ATF laboratory, the DNA analysis backlog and turnaround times have increased dramatically. The fully operational laboratory will be committed to efficient forensic analysis of crime guns and FCCs, resulting in reduced turnaround time on all cases. The new laboratory will also be home to a second National Firearms Examiner Academy (NFEA). There is currently a nationwide shortage of qualified Firearms and Toolmark examiners. The addition of a second NFEA will increase the number of applicants that can be accepted into the program, ensuring proper training for more entry-level Firearms and Toolmark examiners across Federal, state, and local forensic laboratories. Initiating hiring and instrument acquisition in FY 2025 is critical to the success of this new laboratory. If the budget initiatives are not supported going forward, then ATF will have a state-of-the-industry laboratory space with no resources to operate this facility which will result in the risk of investigative leads going cold and many violent crimes may go unsolved.

### Drug Enforcement Administration (DEA)

- **Synthetic Drugs:** The dangerous shift from plant-based drugs to synthetic drugs has resulted in the deadliest drug crisis the United States has ever faced, which is a public health emergency and national security threat. Synthetic drugs have transformed the drug landscape in the United States, with deadly consequences to public health and safety and the criminal landscape as drug cartels reap huge profits. Synthetic drugs pose a deadly threat to U.S. communities because they can be made anywhere, at any time, given the required chemicals and equipment and basic know-how. The only limit on the amount of synthetic drugs that can be produced is the amount of chemicals that can be purchased. Health officials, regulators, and law enforcement are constantly challenged to quickly identify and act against the fentanyl threat, and the threat of new synthetic drugs appearing on the market.
- **Chinese Money Laundering:** Billions of dollars in drug proceeds need to be laundered every year on behalf of Transnational Criminal Organizations (TCOs). Recently, Chinese money laundering organizations have become more prominent in working with Mexican

TCOs to launder their ill-gotten proceeds. An emerging trend is the use of cryptocurrencies which has created challenges for law enforcement agencies by aiding in the anonymous transfer of drug proceeds across international borders.

- **End-to-End Encryption (E2EE)/Lawful Access:** The rapid pace of new technology development, the anonymous use of technology, and the lack of authentication impede law enforcement's lawful intercept capabilities of data and communications as it moves through electronic networks or when it is stored on an electronic device or in the cloud. International drug trafficking organizations have two inherent vulnerabilities – they have to physically move drugs and they have to communicate. Encrypted applications, with no lawful means to intercept them, solve one of the two vulnerabilities.
- **DEA Budget:** Synthetic drugs are a public health emergency and national security threat. DEA is the United States Government single mission agency responsible for developing, implementing, and executing a coordinated response to the deadliest drug threat our country has ever faced. DEA has had to absorb costs multiple unfunded mandates and inflationary costs. In the decade after the September 11th attacks, the Federal Bureau of Investigation's budget increased by 100% to effectively address the national security threat of terrorism. DEA's budget since the opioid crisis began in 2015 has effectively been cut – increasing by only 2%. (b) (7) (E) per DEA

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### Federal Bureau of Investigation (FBI)

- **FBI Budget:** The FBI's FY 2024 Appropriation resulted in significant budget reductions, jeopardizing public safety as resources in support of investigative work and critical partnerships are stretched increasingly thin. As a member of the Intelligence Community (IC), a portion of the FBI's budget pertains to National Intelligence Program-related matters, carrying additional justification requirements as well as Office of the Director of National Intelligence and congressional intelligence committee oversight. As mission requirements, workloads, and threat complexities continue to grow, sustained reductions in the FBI's FY 2025 budget would exacerbate the ongoing budget constraints challenging the execution of our national security and law enforcement responsibilities.
- **Counterterrorism:** Counterterrorism remains FBI's top priority in a heightened threat environment with reduced early warning. The international terrorist threat has become more complex and geographically diverse as terrorist groups build transnational ties and conduct online radicalization to inspire others to carry out their extremist agenda. Threats from Domestic Violent Extremists are on the rise, and FBI investigations have more than doubled since 2020.

- **Lawful Access:** The FBI's ability to legally obtain digital evidence is crucial to identifying and rescuing victims, disrupting threats, protecting the public, and exonerating or bringing perpetrators to justice. Despite continuous warnings from the FBI, warrant-proof encryption deployments continue to erode our access to digital evidence and priority threat information – fast approaching a tipping point. Due to rapidly eroding lawful access, the FBI is forced to rely on alternative techniques that are not adequate, nor timely enough to serve as replacements for legal process, resulting in significant negative outcomes to public safety and victims.
- **The Value of Foreign Intelligence Surveillance Act (FISA):** FISA is critical for the FBI to protect national security from nation state adversaries, terrorists, and foreign hackers while preserving privacy and civil liberties. FISA Section 702 is essential to the FBI's unique role in the Intelligence Community (IC) as the only agency authorized to act domestically to protect the homeland from threats originating overseas. Rigorous oversight mechanisms enforce compliance with FISA authorities and were further strengthened by recent reforms.
- **Ubiquitous Technical Surveillance (UTS):** UTS is both a threat and an advantage to the United States and our adversaries. Devices, transactions, and behaviors provide a constant stream of data that can be aggregated to describe an operational pattern of life. Using UTS, adversaries can rely on digital information to identify government employees, follow operatives, and discover confidential human sources. Through cutting-edge training facilities, all-employee training, and UTS-inclusion in all Human Intelligence (HUMINT) training, the FBI equips its personnel with the tools needed for UTS mitigation.

### INTERPOL Washington – United States National Central Bureau (USNCB)

- **Executive Leadership - Career Reserved Senior Executive Service Allocation for Director and Deputy Director Positions:** USNCB executive leadership positions (Director and Deputy Director) lack appropriate career reserved Senior Executive Service (SES) status commensurate with partner agencies leading to challenges in attracting highly qualified candidates historically negatively impacting agency effectiveness. Ref: OIG Report 09-35.
- **Critical Infrastructure Concerns - Information Technology Modernization:** Insufficient funding is negatively affecting the USNCB's Information Technology Modernization efforts, which does impact the agency's overall efficiency, international partnerships, and mission-critical capabilities.
- **USNCB Executive Management Committee (EMC):** Memorandum of Understanding between Department of Justice and Department of Homeland Security (DHS), the USNCB is co-managed under guidance of the Deputy Attorney General and Deputy Secretary along with the USNCB Director forming the Executive Management Committee. The EMC has not met in over five years. Challenges in getting support to hold the meeting have been

encountered historically. EMC should serve to garner support from both DOJ and DHS in developing a strategic vision with resource and financial support from both.

## United States Marshals Service (USMS)

- **Judicial Security:** Threats against the judiciary have more than doubled in the past 3 years, but funding has not maintained the pace. Consequently, the United States Marshals Service has been forced to shift funds from other priorities, such as fugitive investigations and the recovery of missing and endangered children. We do not believe the increase in threats against the judiciary is an anomaly and feel that it represents the current and future threat picture for judicial security. The needed, and requested, additional resources would address these increasing threats, specifically expanding protective intelligence capabilities, evaluating and responding to potential and actual threats against judges, monitoring the public availability of personally identifiable information, replacing and sustaining home intrusion systems installed in judges' homes and hiring additional personnel dedicated to the judicial security mission (i.e., Deputy United States Marshals, physical security specialists, and district support staff). Additionally, the United States Marshals Service is responsible for the security of over 800 Federal court facilities. Many of these facilities are in dire need of construction and funding is insufficient to meet that demand. A number of these construction projects translate directly to the safety of the occupants in those facilities.
- **Deputy Safety and Wellness:** Ensuring the safety of United States Marshals Service personnel is paramount to the Agency, and as such, the Agency must constantly update safety equipment for Deputy United States Marshals. This mission-critical and often lifesaving equipment is necessary to keep our employees safe as they execute their duties in the field. Although additional safety equipment was included in the President's budget, Congress did not fund it. The tragic event of April 29, 2024, in Charlotte-Mecklenburg, in which we lost four of our officers while serving a felony warrant, along with the numerous incidents where our deputies have been shot or involved in gunfire, in 26 instances over the last fiscal year, underscores the critical importance of deputy safety and wellness. These alarming statistics reinforce the urgent need to proactively safeguard our employees against future risks by investing in safety and wellness resources to mitigate the dangers.
- **Violent Crime:** While recent data shows violent crime dropping in major United States cities, the successes gained by implementing thoughtful violent crime reduction strategies are hard fought. Over the past 3 years, through our Task Force partnerships and our strategic, evidence-based approach to targeting the most dangerous offenders, the United States Marshals Service has led such efforts in 30 cities around the country. This work comes at a cost. We are consistently challenged by competing demands, which drive personnel shortages and strained assets. To sustain our violent crime reduction efforts, the Agency requires the funding necessary to recruit, develop and retain personnel, advance essential technology, and assure the safety and wellness of our employees.
- **USMS Staffing and Resources:** The United States Marshals Service must compete with other nationwide Federal, state, and local law enforcement organizations to recruit, retain,

and develop a highly skilled and diverse workforce. Maintaining sufficient staffing is a priority to effectively address critical needs and adequately respond to our mission, law enforcement requirements, operational needs, and management challenges. The Agency recently implemented excepted service hiring authority, matched the journeyman full performance level for Criminal Investigators to other DOJ Components, and requested danger pay authority for personnel engaged in law enforcement activity outside of the United States. These changes must be sustained to successfully attract high-quality candidates, hire and onboard personnel quickly, and effectively manage attrition and retention.

- **USMS Technology:** The United States Marshals Service's legacy Information Technology systems leave network systems vulnerable, subject to potential damage, exploitation, or unauthorized use. The Agency and the Department of Justice face two distinct "Going Dark" challenges related to real-time court-ordered data interception and "data at rest" as technology changes. "Going Dark" (also known as "lawful access") is considered a Department of Justice Enterprise Risk. Ongoing modernization of law enforcement systems – such as the United States Marshals Service's Capture enterprise system – seeks to improve the security, management, and development of Information Technology. Along with the Department of Justice, the Marshals Service is focused on improving the use of current technology, understanding how to use new technology, pursuing legislative solutions, and enhancing relations with Federal, state, local, and foreign law enforcement.

## CORRECTIONS

### Federal Bureau of Prisons (FBOP)

- **Infrastructure Maintenance and Repair:** FBOP has an aging infrastructure that hinders its mission and was not built to support First Step Act (FSA)-type programming. We currently have over 120 facilities, including over 64 million square feet. Approximately 33% of our facilities are over 50 years old and about 57% are over 30 years old. We have over \$3 billion in maintenance and repair (M&R) needs to protect life and safety within our institutions and over the last ten years we have received an average of \$100 million per year to address those needs. For comparison, where the Department of Defense has received around \$5.62 per square foot to address its M&R needs, the FBOP has only received around \$1.75 per square foot. It is challenging to run safe institutions, provide life-changing programming and services, and support our employees' work and wellness in buildings with leaking roofs, mold, asbestos, sewage problems, sparse programming space, and failing electrical and plumbing. These buildings must run 24 hours a day, seven days a week, and 365 days a year under often extreme conditions. With underfunded maintenance and repair budgets, it is mostly through the resourcefulness of our facilities employees that we can maintain safety and security, but that is not a long-term solution. We are doing everything we can to address M&R. We worked with the Department and OMB to create a five-year M&R strategic plan to guide its annual Buildings and Facilities (B&F) funding requests. We are also conducting an M&R Assessment that will help us develop a strategic assessment tool that will assist in long-term planning for M&R projects. Currently, we prioritize based on life/safety needs,

input from the field, and the need for response to emergent events (e.g., natural disasters, court orders, system failures, etc.).

- **Restrictive Housing:** The FBOP has been working diligently to understand and address the causes of restrictive housing (RH) growth throughout our system. While RH populations can fluctuate, they usually range from around 9,000 and 11,000 Adults in Custody (AIC) out of a total population of over 158,000. We have implemented multiple initiatives to address the growing RH population including, bringing in two Presidential Innovation Fellows who will help us do a deep dive analysis on those in our Special Housing Units (SHU), our largest RH designation. We have also launched alternative housing units that allow AICs, who do not want to be in general population and who would often otherwise be in SHU, to reside in units that are more open and are designed to help them eventually move to general population. Additionally, we implemented changes to policy, created specialized posts within SHU who are responsible for helping AICs transition from restrictive housing to the general population, started the to update regulations pertaining to disciplinary sanctions, and discontinue the use of the Special Management Unit model. In the long term, we are working with the National Institutes of Justice to study RH and we continue to seek out opportunities to ensure RH is not being overused.
- **Health Care:** The FBOP is a Healthcare Organization with over 158,000 patients. Having healthy bodies and minds helps AICs successfully program inside our institutions and re-enter back into our communities successfully. Every FBOP institution maintains a Health Services Unit to provide medical and dental care. Healthcare services are provided by a team of health care professionals, including physicians, psychiatrists, nurses, physician assistants, nurse practitioners, dieticians, social workers, dentists, pharmacists, physical/occupational therapists, and laboratory and radiology technicians. Specialty medical providers are consulted when needed, and care is provided either through telehealth visits or individuals are sent to hospitals in the community when medically necessary care is unavailable at the institution. For individuals with the most serious medical conditions, the FBOP operates seven Federal medical centers throughout the country which provide specialized health care services. In addition to physical health care, the FBOP provides psychological and drug treatment care at each of its institutions. The FBOP also provides opioid use disorder (OUD) treatment utilizing U.S. Food and Drug Administration (FDA)-approved medications. In FY 2023, the FBOP provided drug treatment programming and/or services to over 81,000 AICs. As discussed in the Staffing/Wellness section above, the FBOP has faced significant challenges hiring and retaining health care professionals including, doctors, nurses, dentists, psychiatrists, psychologists, and others, despite extensive efforts to recruit and incentivize these jobs.
- **Contraband Introduction and Drugs:** Contraband, especially drugs, present a significant safety risk for our employees and those in our care. Detection begins outside the walls of our facilities. We utilize physical barriers, such as perimeter walls and armed posts to keep contraband out. Our employees detect, identify, and disrupt the introduction of contraband through various methods within the institutions, including but not limited to inspections, pat searches, and observation. Our Intelligence and Counter Terrorism Branch also gathers intelligence and uses their resources to work with Federal, state, and local law enforcement

partners to disrupt large criminal operations, like drug cartels. Drones are often used to drop payloads of contraband cell phones, drugs, weapons, and more over the perimeter fence to be recovered by AICs. We utilize technology and observation skills to spot drones and recover their payloads before AICs do. Cell phones are also a serious threat to an institution and its employees. We use technology to detect and jam cell phones at multiple institutions. Illegal drugs make AIC populations harder to manage and can lead to death or injury via overdose or drug-driven physical altercations. They also present a serious risk to our employees who can be exposed to these drugs through institution and mail searches. In fact, in August 2024, the FBOP experienced a tragedy when an employee handling AIC mail that was being used to smuggle drugs into the institution lost his life after exposure.

- **FBOP Staffing and Wellness:** FBOP has worked to ensure it can accurately identify our staffing needs around the country. In October 2024, FBOP completed implementation of the Automated Staffing Tool (AST), which enables FBOP leadership to accurately identify true position needs at all institutions. However, recruiting and retaining employees has been a struggle over the past few years. Corrections agencies are struggling to hire Correctional Officers (CO) throughout the country. The starting pay for COs is low, ranging from \$48,809 to \$60,679, depending on the geographic location of the job and we are being outbid by warehouses, grocery stores, and other law enforcement entities. Moreover, the U.S. is experiencing a national shortage of health care providers and FBOP faces these same challenges when hiring doctors, nurses, psychologists, dentists, and others. However, even with these challenges, the FBOP is making progress on hiring. Upon Director Peters' arrival in August 2022, there were only 986 new hires for the entire calendar year and most of those were offset by separations throughout the year (e.g., retirements, leaving for better pay or work outside a prison, etc.). As of September, in CY 2024, we have had a net gain of nearly 900 new hires. In addition, hiring has exceeded attrition in each pay period this year. These gains have been realized through focused and diligent action. We have utilized recruitment and retention incentives, increases in salary, expansion of benefits, a dedicated recruitment office, rebranding and advertising, and much more. Once on the job, COs are often faced with physical and mental strains that lead to an overrepresentation of employees with physical and mental health concerns. That is why we are dedicated to enhancing the vitality and wellness of our employees through a wide variety of initiatives and resources. We have made new wellness tools available, expanded the Employee Assistance Program, created new policy, and are creating an Office of Employee Wellness.

## Office of the Pardon Attorney (PARDON)

- **White House Guidance and Communication:** At the beginning of each administration, the White House typically provides written clemency policy to PARDON, through the Deputy Attorney General, to assist the Office in fulfilling its traditional advisory functions in connection with executive clemency applications. This guidance is most helpful when PARDON receives it at the very start of the administration because it relays the President's wishes as it relates to executive clemency and allows the Office to appropriately prepare and efficiently assess and advance its caseload. Further, establishing functional and consistent

record-keeping, secure document transmittal, and viable communication procedures is essential to the orderly functioning of the clemency process.

- **Clemency Case Processing Modernization:** The Electronic Clemency Database holds a wealth of personally identifying information, judicial records, demographic data, and deliberative process information. To improve the security of the files, better perform data analytics, increase the efficiency of clemency case processing, and enhance the transparency of the clemency process, PARDON seeks to modernize the current Electronic Clemency Database. Integration of innovative webforms to simplify the user submission experience, robust assessment of the data collected in the clemency process, and integration with technological systems adopted by the Department, other government agencies, and the White House are essential upgrades needed to continue the transparency and efficiency of the executive clemency process.
- **Records Management, Transparency, and Public Information:** Documents created by PARDON have unique historical value, especially those resulting in presidentially signed grants of clemency. As such, the Office strives to ensure its records are accurate and secure and are appropriately classified, standardized, and scheduled for retention. The oversight and execution processes employed by PARDON for this mission-critical data collection and preservation are ongoing and in need of continual support outside of that provided by the career employees tasked with implementing them. These essential processes are often relied upon by the Department, the White House, and stakeholders alike, and are vital to alignment with PARDON's transparency objectives and to ensuring accurate disclosure of information under the FOIA and through other public-facing avenues.
- **Stakeholder Outreach and Community Engagement:** PARDON is committed to educating the public about clemency, providing resources to assist in navigating the application process, and receiving feedback from stakeholders. Proactive measures are ongoing with the Federal Bureau of Prisons (FBOP) to coordinate information about the clemency process directly with those who might qualify to submit commutation applications. PARDON has further hosted a variety of public engagement events that have included clemency experts and clemency recipients to share stories about the impacts on the lives of those who have benefitted from executive clemency. These efforts are vital to uphold a clemency process that is accessible and transparent.
- **PARDON Budget and Staffing Resources:** PARDON receives and processes thousands of clemency applications each year, and between fiscal years 2012 and 2023, it received over 52,000 clemency petitions. During that time, PARDON was understaffed and under-resourced, and struggled to fully meet its core function of providing advice to the President on every clemency application that is before it. In fiscal year 2023, PARDON was allocated a budget that enabled it to nearly double its staff size; with these resources, PARDON has resolved the backlog of cases, improved clemency processes and forms, provided thoughtful and well-reasoned recommendations to the President, increased its public outreach and training, and been responsive to dynamic clemency initiatives outside of the ordinary clemency process. Maintaining current staff levels is imperative to the orderly functioning of the PARDON office, as it strives to preserve a clemency process that is accessible and

transparent for its applicants and to keep its staff committed to educating the public about clemency, providing tools to navigate the application process, and receiving feedback from stakeholders. Adequate resources that uphold current staffing levels will be critical in ensuring that the already achieved progress in advancing PARDON's mission will continue going forward.

### United States Parole Commission (USPC)

- **Reauthorization of Parole Commission for Two or More Years:** The Sentencing Reform Act of 1984 abolished the Parole Commission; however, it kept the Parole Commission in existence for five years after the effective date of the Act (November 1, 1987), to process the cases of prisoners convicted of crimes committed before the effective date of the Act, who would still be incarcerated after that date. After realizing that the population of parole eligible Federal prisoners continues to require parole hearings, The Commission's last sunset date was September 30, 2024. Subsequent to the passage of the Sentencing Reform Act, Congress also enacted laws that assign jurisdiction over the District of Columbia parole and supervised release cases, and release determinations for prisoners transferred to the U.S. to serve their sentences pursuant to treaty. Congress's recent short extensions and coupling the Commission's extensions to fiscal year appropriations legislation detrimentally impact the agency's work and staff morale.
- **Amend Federal Parole Statute (18 U.S.C. 4209) to Permit Virtual Parole Hearings:** Currently the U.S. Parole Commission conducts parole hearings for offenders in Federal Bureau of Prisons custody in all, but three Federal judicial circuits. The Parole Commission is restricted from conducting parole hearing by videoconference in the 9th, the 7th, and the 6th Circuits because the Federal Court of Appeals for those circuits have interpreted the requirement in Section 4206 of Title 18 U.S. Code that an offender "appear" at a parole hearing as requiring that the prisoner appear in person before the Parole Commission. An amendment to the parole statute that explicitly permits hearings to be conducted by videoconference would reduce travel costs and conserve the time spent by the Commission's hearing examiner corps travelling to conduct hearings at Bureau of Prisons facilities in these circuits.
- **Increase the Complement of Commissioners and Designate a Chairman:** The USPC currently has two commissioners, one of them occupies the role of the Acting Chairman who was the Vice Chairman under the previous Chairman. The Commission may have up to five commissioners and the Chairman is designated by the President from among the confirmed commissioners. One additional commissioner would prevent situations in which there is a tie vote on a decision to release an offender or on rulemaking.

# GRANTS

## Community Oriented Policing Services (COPS)

- **Field Engagement - Collaborative Reform Initiative for Technical Assistance Center** (Organizational Assessments, Critical Response, and CRI-TAC): The COPS Office administers the high-profile, high-impact Collaborative Reform program, which is an intensive initiative for the COPS Office, our partners, and the law enforcement agencies we are engaged with. COPS continues to intake requests for technical assistance and training ranging from more direct forms of assistance to after-action reviews of critical incidents, to organizational assessments.
- **Direct Funding to Law Enforcement Programs** - COPS Hiring Program (CHP), School Violence Prevention Program (SVPP), Law Enforcement Mental Health and Wellness (LEMWHA), Anti-Drug Initiatives (AHTF and CAMP), Community Policing Development, Preparing for Active Shooter Situations (PASS), and De-Escalation Act: The COPS Office administers law enforcement assistance programs that are very popular and competitive in the policing field. The number of applications rose 10% in FY 2024, and COPS anticipates continued and growing demand and interest.
- **Administration Priority Alignment and Implementation of Executive Orders:** The COPS Office has a role in advancing administration priorities. These include prioritizing support for small and rural law enforcement agencies, that often experience unique and pervasive challenges; as well as supporting applications targeting specific crime and public safety priorities including violent crime reduction, community engagement and trust building, and preventing and addressing hate crimes and domestic extremism. The COPS Office is also involved in implementing aspects of several Executive Orders (EO), including EO 14074 on Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety. Through prompt and ongoing transition communication, COPS can ensure timely alignment with its FY 2025 funded programs.
- **JustGrants Maintenance and Development:** All of DOJ's grant program recipients are now managed by the JustGrants system. While the forward-facing components have been successfully launched, continued attention is needed to ensure proper operation and maintenance for the effective processing of millions of grant dollars. Notably, significant portions of the JustGrants system that are needed for effective grant management and oversight remain under development. A fully capable and functioning system is needed to maximize internal efficiencies to reduce the burden on grantees, particularly law enforcement agencies, many of which are small and understaffed. This will further maximize efficiencies of COPS Office staff and prevent imposing excessive costs to the COPS Office that would reduce resources to the field.
- **Human Capital Management:** Continued efforts are underway to ensure sufficient staff to further the mission and minimize burden on law enforcement grantees. The COPS Office is authorized for 100 Full Time Equivalents (FTEs) with substantial contract staff. As a result

of attrition, the current number of FTEs is 80. The Office is pleased to report that seven new FTEs are currently onboarding and have several active recruitments pending to further reduce the Office's vacancy rate.

## Office of Justice Programs (OJP)

- **Crime Victims Fund (CVF):** The Office of Justice Programs' Office for Victims of Crime (OVC) administers the Crime Victims Fund ("CVF" or Fund), which was established by the Victims of Crime Act of 1984 ("VOCA"). The CVF is financed primarily by certain fines and penalties from Federal criminal cases, not from tax dollars. OVC awards funding from the CVF to all States and some territories according to the formula included in the VOCA statute. The CVF also supports a variety of other victim service initiatives, including grants for Tribal victim services, and mass violence and terrorism victim support. The CVF is also the source of funding for victim specialists in U.S. Attorneys' Offices and the FBI, as well as the Federal Victim Notification System. Beginning in 2000, in response to large fluctuations in deposits and to ensure the long-term stability of the CVF, Congress placed an obligation limit (or cap) on funds available for distribution. However, due to fluctuations in deposits, the end of the year fund balance has steadily decreased from \$13 billion in FY 2017 to \$1 billion in FY 2023. As a result, Congress has reduced the cap, and with it VOCA formula grant funding to the States, affecting thousands of victim service providing organizations across the country along with other critical victim services supported by the CVF. Without additional funding and/or legislative action to stabilize the CVF, OVC's ability to fund statutorily mandated and other critical programs in FY 2025 and beyond could be severely impaired. For example, a funding shortage could impact OVC's ability to: (1) Award VOCA Victim Assistance formula funding to states and territories to support victims' service programs, which assist millions of victims each year; (2) Provide states with the full amount under the VOCA statutory formula for state victim compensation grants, which are used to reimburse victims for eligible expenses resulting from criminal victimization; (3) Administer the Tribal Victim Services Set-Aside formula program grants to Tribes for their victim service programs or provide technical assistance for Tribes; and (4) Support more than 450 victim advocate positions at U.S. Attorneys' and FBI offices throughout the country and territories. Additionally, a portion of the CVF supports the Management and Administration (M&A) for the Office of Justice Programs. A precipitous reduction to the CVF would limit the M&A contribution and greatly impact OJP operations. This reduction may result in other OJP program offices having to increase their contributions to cover the difference, or lead to reduced OJP staffing and grants oversight.
- **Implementation of the Death in Custody Reporting Act (DCRA):** The Death in Custody Reporting Act (DCRA) requires the Department to collect data on in-custody deaths that occur during arrest, and in prisons or jails. Federal agencies provide data on deaths in custody to the Bureau of Justice Statistics (BJS), and BJS produces regular statistical reports on these deaths. Due to a provision of the DCRA, BJS is unable to collect information on deaths that occur in state and local custody. Since FY 2020, this information is reported to the Bureau of Justice Assistance (BJA) by centralized reporters in each state, territory, and the District of Columbia. There is widespread underreporting of state and local deaths in

custody and State Administering Agencies (SAAs) responsible for collecting and reporting these data have noted many challenges (e.g., lack of leverage or resources to incentivize reporting by local agencies; insufficient staff resources and information systems). BJA is providing guidance, training, and technical assistance to SAAs to improve the quality and completeness of state DCRA reporting. The President's FY 2025 budget request includes \$5 million to help states improve reporting. DCRA also includes a study requirement that was due to be complete in December 2016. The Department did not initiate this study until 2021. The National Institute of Justice (NIJ) decided to accomplish the study requirement in multiple stages. The first report was released in December 2022. The second report will be released before the end of 2024 and the final report is anticipated for release in the first half of 2025. Members of Congress, the media, and stakeholders in the field have expressed high levels of concern and have been critical of the Department's implementation of DCRA. The Department provided Congress with a legislative proposal in 2022 to strengthen DCRA and improve the accuracy and completeness of data. There has been no legislative activity to revise the Act.

- **Inadequate Funding for Research, Evaluation, and Statistics:** OJP administers the Department's research, evaluation, and statistics activities through the National Institute of Justice (NIJ) and the Bureau of Justice Statistics (BJS). NIJ is the research, development, and evaluation agency of the Department of Justice, and serves as the Federal Government's lead science agency for research, technology development, and evaluation activities on issues of crime and justice. Between FY 2019 and FY 2024, research, development, and evaluation programs appropriations declined by more than 20%, significantly reducing the funding available to NIJ to invest in needed research. These funding reductions threaten core research programs, and impact NIJ's ability to anticipate and keep pace with the cutting-edge of scientific practices and emerging criminal and juvenile justice policy needs, such as addressing issues pertaining to the wide-spread adoption of artificial intelligence and machine learning technologies by law enforcement across the United States. BJS is the primary statistical agency of the Department. BJS collects, analyzes, publishes, and disseminates information on crime, criminal offenders, victims of crime, and the operation of justice systems at all levels of government. BJS administers the National Crime Victimization Survey (NCVS), the nation's primary source of information on criminal victimization, and the only source of information on crimes not reported to law enforcement. Legislators and policymakers at all levels of government rely on NCVS data, and BJS has administered NCVS without interruption since 1973. However, increased costs combined with reduced appropriations may force BJS to make substantial changes that risk its ability to produce annual estimates of criminal victimization at the national level. Or they may force cuts to other essential statistical collections at BJS.

## Office on Violence Against Women (OVW)

- **Adhering to the FY 2025 Grants Schedule and Simplifying Notices of Funding Opportunity:** OVW must release its Notices of Funding Opportunity (NOFOs) according to schedule in order to stay on track for issuing grant awards by the end of FY 2025. Delays early in the process (e.g., NOFOs that are opened and posted later than planned) cause

bottlenecks that lead to more delays later in the year and can negatively impact OVW functions as well as applicants and other stakeholders. Of note is that OVW is piloting significant changes to the NOFOs of two grant programs: the Transitional Housing and the Tribal Governments Programs—as part of the Department’s implementation of pre-award efficiencies directed by the OMB’s April 2024 memorandum, Reducing Burden in the Administration of Federal Financial Assistance (M-24-11). The purpose of the NOFO revisions is to simplify the application process and reduce administrative burden on applicants. NOFO revisions for the two programs will be subject to a period of OMB review over and above the standard review process. Furthermore, implementing the revisions and accompanying metrics to gauge the impact of OVW’s NOFO simplification will require adhering closely to a tight schedule to ensure awards are issued on time.

- **Grant Application Peer Review Contract Re-Bid:** OVW’s competitive grant-making processes rely enormously on a standardized peer review process. Peer reviewers are trained to assess and score applications and then OVW convenes discussion panels to calibrate their appraisals based on their fellow reviewers’ feedback. Peer review is a labor- and resource-intensive process that helps ensure OVW’s funding decisions are fair. The current peer review contractor’s task order will be extended through June of 2025 while OVW simultaneously re-competes the contract. The selection of a vendor is made by a panel of reviewers in close collaboration with the Justice Management Division, and may be made in early 2025. OVW anticipates selecting a vendor to begin work in July 2025.
- **Managing New Violence Against Women Act (VAWA) Grant Programs and Initiatives:** OVW awarded funding under at least 14 new NOFOs in FY 2024 and is posting more in the first quarter of FY 2025. New programs include those authorized under VAWA 2022, via other appropriations or designations from Congress, or through funds OVW is permitted to use for innovation, technical assistance, and evaluation. Programs that will be newly launched in early FY25 include a new program to fund Sexual Assault Nurse Examinations, a helpline for individuals sexually assaulted while in incarceration, and resources on the intersection of community violence intervention and domestic violence. At the end of the first quarter of FY 2025, OVW will issue the inaugural set of awards under the Financial Assistance for Victims Program - a new program Congress created through appropriations acts in 2023 and 2024 to provide flexible financial assistance to survivors to mitigate the expenses they incur as a result of victimization and to support their recovery from violence. A NOFO for this new grant program that was released in late FY 2024 yielded a higher volume of applications (300+) than any other FY 2024 NOFO.
- **VAWA Funds Subsumed by the Department of the Interior under 477 Plans:** The Indian Employment, Training, and Related Services Demonstration Act (P.L. 102-477), as amended, enables Tribes to integrate the Federal resources they receive from multiple executive agencies under comprehensive plans (known as 477 Plans) designed to create employment opportunities, encourage self-sufficiency, and facilitate economic development in Tribal communities. OVW maintains that our programs do not meet the prerequisite criteria for program integration listed at 25 U.S.C. § 3404(a)(1)(A) because these grants were not made, and therefore not “implemented,” specifically for the purpose of job training, workforce development, or any other economic development-related purposes. DOJ

referenced its commitment to Tribal sovereignty while briefly highlighting some of the concerns about including certain OJP and OVW programs into 477 plans in a letter to the House Committee on Natural Resources in advance of a hearing they held on 477 implementation: <https://docs.house.gov/meetings/IL/II24/20240320/116885/HHRG-118-II24-20240320-SD003.pdf>. DOJ has not been successful in negotiations with the Department of the Interior, which granted Wyandotte Nation's request to roll their OVC and OVW grants into their 477 plan. As of September 24, 2024, Cherokee Nation of Oklahoma has a pending request to combine additional OVW grants into their 477 plan. OVW anticipates additional requests in the future. This expansive use of 477 plans poses an existential threat to victim services in Tribal communities because integrated funds may be used for "workforce development" with no assurance that they will be used to assist victims, and very little tracking and reporting on how these funds are used. However, the need for more streamlined approaches to grantmaking for Tribes is significant. In response to many requests, including requests from Tribes made during OVW's annual Government-to-Government Violence Against Women Tribal Consultations, those reflected in the Not Invisible Act Commission Report, those from Senators in recent letters and hearings, and in other meetings with Tribal leaders, DOJ has convened a working group to examine how funding mechanisms that are less burdensome on Tribes, such as formula funding or models used by the Department of the Interior's Bureau of Indian Affairs (BIA), could be used by DOJ to help address the public safety needs of Tribes. The working group has developed a framing paper for a special Tribal consultation on potential proposals, including potential statutory changes, that would be needed to implement new funding models. One of these proposals is expected to be modeled on the 477 Program and would create a similar mechanism within DOJ for public safety and victim services funding. This presents a unique opportunity to significantly streamline DOJ funds to Tribes while ensuring they are used for their intended purposes.

- **OVW Hiring and Onboarding:** OVW staffing has increased significantly over the past few years, first to bring the Office to a basic level of functionality after years of hiring freezes dating back to sequestration, and second to keep pace with the many new programs authorized by VAWA 2022 and increased appropriations from Congress. OVW now has a cap of 151 positions. This will not fully meet OVW's staffing needs but is a significant improvement. In early 2025, OVW may still be in the process of filling positions or backfilling openings created by earlier tranches of hiring. Onboarding and training for new staff is a continued need to ensure that OVW not only meets all Congressional and fiduciary duties, but also provides excellent customer service and improves the accessibility of grants for small, rural, community-based, faith-based, and organizations newly seeking OVW funds.

## MEDIA AND COMMUNITY OUTREACH

### Community Relations Service (CRS)

- **Protests Connected to CRS Jurisdiction:** On campuses and elsewhere across the country, a growing number of contentious local, national and international issues are sparking protests and demonstrations. When protests (including advocates and counter-protestors) intersect with areas of CRS jurisdiction – including discriminatory practices based on race, color, national origin, and alleged hate crimes committed on the basis of actual or perceived race, color, national origin, gender, gender identity, sexual orientation, religion, or disability – CRS is often called on to prevent and respond to the risk of violence.

*Note: CRS's Jurisdictional Bases and Mandates are based on the Civil Rights Act of 1964, the Fair Housing Act of 1968 (as amended by Fair Housing Amendment Act of 1988), the Church Arson Prevention Act of 1996, the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009, and the Emmett Till Unsolved Civil Rights Act of 2007 & Emmett Till Unsolved Civil Rights Crimes Reauthorization Act of 2016.*

- **Tensions with Migrant Communities:** As refugees and other migrants come to the United States, their peaceful integration into American communities must sometimes navigate local tensions.
- **Targeting of LGBT Communities:** Hate crimes against the lesbian, gay, bisexual, transgender, intersex, queer/questioning (LGBTQ+) community have been rising to the point that more than 1 in 5 of any type of hate crime is now motivated by anti-LGBTQ+ bias.
- **Intersection of Hate Incidents with Gun Violence:** In an era of increased high-profile attacks with firearms, community reconciliation and peacebuilding efforts are challenged by increased fears for personal safety and the outside pressures brought on by the national attention that gun violence often brings to local situations.
- **Implications of Artificial Intelligence (AI):** AI is increasingly used to generate social media postings and campaigns, especially around hot-button issues. This increases the chance that local disputes will be fanned, amplified and/or distorted in ways that impair the ability of local parties to work out their own agreements without outside pressure.

### Office of Public Affairs (PAO)

- **PAO Staffing:** Currently, PAO has 45 staff including 35 full time equivalents (FTEs) and 10 contractors to serve 115,000 DOJ employees. In FY 2024, PAO received 10 FTEs for public affairs, public engagement, digital, speechwriting, and administrative areas of responsibility. In addition, PAO assumed responsibility for the multimedia functions of the Department. These changes resulted in staff more than doubling in one year. Despite these

increases, PAO staff continue to handle around the clock duties and maintaining and retaining staff levels remains a challenge if we are to continue proactive engagement to promote the exceptional work of the Department.

- **PAO Workspace:** The PAO office suites are at capacity in Robert F. Kennedy Main Justice Building (RFK) for its current level of FTEs. PAO would need additional/reconfigured space to accommodate an increase in staffing.
- **Broadcast Facilities and Capabilities:**
  - *Press Room* - In 2015, PAO renovated its in-house press rooms to modernize the space and accommodate 11 different TV, print, and wire outlets in addition to providing an overflow press room for those outlets without specifically assigned space. Five TV outlets (ABC, CBS, CNN, FOX, and NBC) were outfitted with TV/radio booths with the understanding that each outlet would add capabilities to go-live directly from each booth. Three outlets have established these capabilities. A priority of PAO in the new Administration should be to strongly encourage the remaining outlets to make use of the modernized space and implement the go-live capabilities.
  - *Control Room* - Critical upgrades were needed to replace outdated and degraded equipment to ensure continued ability to broadcast, livestream, and record. This extensive, time consuming, and highly technical project began in October 2024 and is expected to be completed in February 2025. Additional upgrades will be needed as funding becomes available to put the Department on a path towards a modern and reliable broadcasting system. In conjunction with these upgrades, PAO has purchased a cloud-based solution for livestreaming to provide for continuity of broadcast/live stream operations not only while the Control Room is being upgraded but also as a result of catastrophic network failures at Main Justice, ensuring the Department's ability to broadcast to the public in the event of an emergency.
  - *RFK, Great Hall (GH)* - PAO is exploring a multistep plan to improve acoustics in the Great Hall and allow for the use of certain AV equipment. This includes: a survey by an acoustical engineer to provide requirements needed; installing drapes and new carpet in the balcony, and having a roll up carpet for the GH aisles; and procuring a new microphones system.
- **Rollout Strategies:** At the outset of a new administration, once decisions are made on setting the Department's top priorities, PAO should be engaged early on in planning rollout strategies for announcing priorities and new policy initiatives. PAO plays a key role in developing messaging and amplifying new initiatives, ensuring smooth coordination with the rest of the executive branch and with the 94 U.S. Attorneys' Offices throughout the country. By leveraging PAO's relationships and communications capacity, we can maximize our reach into local, regional, national, and international media outlets and on social media.
- **Public Information Officers (PIOs) Training Conference:** It has been past practice that after an Administration transition, PAO organizes and hosts a training conference for U.S. Attorneys' PIOs in Washington, DC. Each U.S. Attorney's Office designates a single point of contact for media, and it is essential that these individuals, whose experience levels are

often uneven and diverse, become familiarized with the Department's new leadership, its policy priorities, and the rules and best practices behind dealing with the media responsibly and effectively representing DOJ. PAO is currently planning towards a spring 2025 conference, dependent on travel restrictions, funding.

## Office of Tribal Justice (OTJ)

- **Implementation of the Violence Against Women Act 2022 Reauthorization:** The 2022 Violence Against Women Reauthorization Act (VAWA 2022) expands the VAWA 2013 recognition of inherent Tribal authority to include criminal jurisdiction over non-Indian offenders who commit crimes of sexual violence, sex trafficking, stalking, child violence, obstruction of justice, and assault of Tribal justice personnel in Indian country, renaming it special Tribal criminal jurisdiction. VAWA 2022 also establishes a pilot program to enable Alaska Tribes designated by the Attorney General as “participating Tribes” to exercise special Tribal criminal jurisdiction over non-Indian offenders who commit covered crimes in the Tribes’ Villages, regardless of whether the Villages include any Indian country. The Office of Tribal Justice is a lead component in the implementation of the Alaska Pilot Program, which was not funded by Congress despite the potential scope (there are over 200 Tribes in Alaska).
- **Implementation of the Joint DOJ/DOI Response to Not Invisible Act Commission Recommendations:** As required in the Act, Attorney General Merrick Garland and Secretary Haaland established the Not Invisible Act Commission, a cross jurisdictional advisory committee composed of law enforcement, Tribal leaders, Federal partners, service providers, family members of missing and murdered individuals, and survivors. The Commission submitted their final report and recommendations on November 1, 2023; the Departments of Justice and the Interior issued a response to the recommendations in March 2024 and are working to implement commitments made therein. The Commission's recommendations were sweeping and implicated components across the Department. OTJ continues to support the overall implementation effort.
- **Supreme Court Decision in *Oklahoma v. Castro Huerta*:** The Supreme Court ruled that states have inherent authority over the Indian country within their states and that neither the General Crimes Act nor any other Federal law preempts a state's authority to prosecute crimes committed by non-Indians against Indians. The decision upended nearly 200 years of settled law. Critically, the decision impacts Tribal sovereignty and settled understanding that states may exercise only assume jurisdiction over crimes by or against involving Indians in Indian country only when Congress expressly authorizes it and only when the governing Tribe expressly consents. OTJ supports advancing a legislative proposal restoring the balance of state, Federal, and Tribal authority within Indian country to where it was prior to the Supreme Court's decision in Castro-Huerta.
- **Improvements to DOJ Tribal Funding Models:** Tribes have expressed concerns for many years about the competitive nature of DOJ's funding opportunities, noting that it is problematic to ask Tribes compete against each other for limited funds, and have expressed

frustration with the inflexible nature of DOJ funding. The Department regularly solicits feedback from Tribes on how to improve its grantmaking process and is in the midst of a deeper look that includes consultation with Tribes at possible alternative funding models that the Department might support.

- **Fentanyl, Substance Abuse, and Drug Trafficking:** In recent years rates of methamphetamine, opioid, and fentanyl abuse have risen precipitously in Tribal communities across the country. For many Tribes, higher rates of substance abuse coupled with lower levels of law enforcement coverage are driving factors in overall rates of violent crime. Components across the Department are engaged in addressing this issue in Tribal communities, including engagement on prevention, enforcement, funding, and other capacity-building efforts. However, progress is not keeping pace with this growing problem so OTJ continues to work with other components and agencies to identify creative solutions.

## VICTIM SERVICES

### Foreign Claims Settlement Commission (FCSC)

- **Albania Claims Program:** FCSC staff is currently processing claims received in the Albanian Claims Program, which arose from 1995 settlement agreement for the expropriation of the property of U.S. nationals after World War II.
- **Cuba Litigation/Special Master:** Under a 1996 law, the FCSC is authorized to serve as a special master in Federal district court actions challenging the “trafficking” of properties confiscated in Cuba; FCSC staff is developing internal operating procedures and responding to inquiries from counsel regarding potential FCSC referrals to act as special master.
- **Potential Venezuela Program:** The FCSC is monitoring potential amendments to the Venezuela Emergency Relief, Democracy Assistance, and Development (VERDAD) Act of 2019, which provides \$400 million in humanitarian relief and contains measures to promote democratic reforms and address Venezuela’s economic reconstruction. Among other provisions, the anticipated bill may add Venezuela to the jurisdiction of the FCSC “to ensure an orderly process of adjudication for legal claims of U.S. nationals against the Venezuelan Government. . . .”
- **Transition to Electronic Records:** U.S. Office of Management and Budget (OMB) and U.S. National Archives and Records Administration (NARA) Joint Memorandums M-19-21 and M-23-07 required Federal Agencies to move to a fully electronic environment by June 30, 2024. Commission staff are working on systems to implement the requirements of these memorandums to support the Commission's current and future adjudications.

## MANAGEMENT AND ADMINISTRATION

### Executive Office for Immigration Review (EOIR)

- **Insufficient funding to respond to the exponential number of new cases filed by the Department of Homeland Security:** The Executive Office for Immigration Review (EOIR) receives referrals from the Department of Homeland Security in the form of Notices to Appear (NTAs). The number and type of cases referred to EOIR are at the sole discretion of the DHS and have increased 278.72% since FY 2018. Reducing the number of pending cases across our 70 immigration courts requires enough funding at all levels. Additional funding will result in hiring more legal support staff that can help judges manage their dockets. Given the volume of new cases being initiated by DHS, EOIR’s ability to achieve its mission to fairly, efficiently, and expeditiously adjudicate cases depends on building strong IJ teams to support the adjudication process. Thus, the primary key area of concern for EOIR is to ensure Congress provides an increased, and multi-year budget to EOIR.

- **Improve Access to the Immigration Court System:** In recent years, the Executive Office for Immigration Review (EOIR) has strived to facilitate and encourage access to the immigration court system for all parties involved. However, the issue of representation continues to be at the forefront of EOIR's priorities and key areas of concern. As a result, EOIR will continue to engage with external stakeholders through its new Respondent Access Portal, Attorney of the Day Program, Law School Working Group, Pro Bono Steering Committee, Model Hearing Program, and Legal Access Programs to break down barriers and improve access to the immigration court system. (See <https://www.justice.gov/opa/pr/fact-sheet-justice-department-improves-access-immigration-court-system>.)
- **Retain Highly Engaged and Goal-Driven Employees:** The Executive Office for Immigration Review (EOIR) handles complex immigration cases across its adjudicating components. This involves hiring, training, and retaining a highly skilled workforce that is driven by our mission. To that end, EOIR is in the process of developing and implementing a strategic workforce plan that addresses key principles of workforce planning—such as identifying critical skills and competencies needed to achieve programmatic results, developing strategies to address skills gaps, and monitoring and evaluating progress toward human capital goals that contribute to achieving programmatic results—to better position EOIR to address current and future staffing needs.
- **Leverage Technology:** Data assessments will provide the Executive Office for Immigration Review (EOIR) with indicators of our current operations, which will in turn help us identify process improvements, assess new initiatives, and help EOIR components collaborate across the board. The agency continues to seek funding to address the digitization of pre-existing paper records of proceeding and to modernize the tools available for EOIR adjudicators to review those records. Overall, EOIR hopes to continue working on leveraging technology in a manner consistent with due process.
- **Improve Internal and External Communication to Ensure Proactive Management of the Immigration Adjudication System:** The Executive Office for Immigration Review (EOIR) will continue to work on improving communication, both internally and externally, to foster transparency and engagement. Proactive management of the immigration adjudication system refers to: (a) day-to-day court operations; (b) management of adjudication methods – in-person, telephonic, virtual (internet-based or through video teleconferencing); (c) maintaining the Immigration Court Online Resource (ICOR) for all Executive Office for Immigration Review stakeholders; and (d) utilization of effective data management tools.

### Executive Office for United States Attorneys (EOUSA)

- **Stagnant and/or Decreasing Budget Levels:** Prior to FY 2024, in the last 65 years, FY 2011 and FY 2013 were the only other years where the U.S. Attorneys' enacted budget was lower than the prior fiscal year. The enacted FY 2024 budget not only reduced the U.S. Attorneys' operating funding level by \$21 million, a 0.8 percent decrease from the FY 2023 enacted level, but also did not provide funding for substantial inflationary costs needed to

sustain operations in FY 2024 (\$185 million). Consequently, the USAOs faced the largest year-over-year funding shortfall in the community's history. Notably, when looking at the last five years, between FY 2020 and FY 2024, the USAOs have been forced to absorb a net reduction of approximately \$45.3 million and received a net increase of only 43 positions when comparing all program increases against all program decreases during this period. Accordingly, the U.S. Attorneys have had to make hard choices. The U.S. Attorneys' overarching goal while operating under funding challenges is to maintain the core mission and preserve human capital in direct support of casework. Therefore, during FY 2024, every effort was made to identify operational efficiencies and cost saving measures to make up for the budget shortfalls. Such actions included, but were not limited to, reducing case-related travel, foregoing hearing transcripts and other litigation services, canceling attorney training and events with law enforcement and community partners, leveraging virtual meeting tools, reducing software licenses and IT support, and postponing non-urgent facility expenditures. However, non-workforce related expenses represent only a small percentage of operational costs. The FY 2024 cuts had a direct impact on workforce levels, which included leaving the majority of the FY 2023 new positions unfunded and permanently reducing staffing levels by nearly 800 Direct positions (approximately 400 Assistant U.S. Attorneys) to remain solvent, hurting both prosecutorial capacity and efficiency. Further, substantial cuts were made to contracted professional support services. In many instances, individuals with numerous years of subject matter expertise departed, leaving the USAOs with a void in experience that affects our ability to handle the complex litigation that we regularly face. While the U.S. Attorneys always strive to identify operational efficiencies wherever possible and routinely ensure that resources are directed towards essential expenditures, the community does not have the ability to create savings without unavoidably decreasing the size of the workforce. Personnel reductions will be particularly problematic as the USAOs handle resource intensive matters involving violent crime, cybercrime, hate crimes, and national security. The reduction in staffing levels will make the USAOs less able to target violent street gangs and drug traffickers, accept more high priority firearms cases, and shut down illegally trafficked firearms that are devastating communities across the country.

- **Electronic Litigation:** In 2020, the Attorney General (AG) and Deputy Attorney General (DAG) directed Department components to dedicate resources and undertake proactive measures to ensure the Department is proficient in managing electronic evidence and discovery. A lack of proficiency in eLitigation not only puts the Department at a competitive disadvantage with respect to opposing counsel, it also jeopardizes case outcomes and puts our attorneys at risk for discovery violations. In April 2024, the DAG directed each litigating and law enforcement component to select a senior official to serve as the component's eLitigation accountability official to ensure the component has the structures in place to support eLitigation expertise. Further, the DAG reinforced the obligation of each component to establish and maintain its three-tiered structural model for eLitigation expertise: Tier III national component coordinator experts; Tier II branch, section, or office experts; and Tier I experts with proficiency to execute day-to-day work. EOUSA sought and received funding in the Department's FY 2023 budget to hire eLitigation Assistant U.S. Attorneys (AUSAs) and litigation support technology positions in U.S. Attorneys' offices (USAOs); provide residential and virtual training for personnel; and provide critical needed network data storage, bandwidth, and associated software and tools necessary to make the shift from local

desktop processing to cloud processing in the USAOs. Despite FY 2024 budget difficulties, nearly two-thirds of the eLitigation AUSAs and a number of the litigation support positions have been filled. These individuals, along with existing USAO personnel, will serve as Tier II USAO experts. EOUSA has two attorneys and one litigation technologist who serve as the community's nationwide experts, along with personnel from EOUSA's Litigation Support Help Desk and USAO detailees. EOUSA also established a training team that develops and conducts training for USAO personnel to increase their eLitigation proficiency. Current budgetary constraints will impact filling additional positions for this effort. Further, over the last few years, EOUSA has made new and improved discovery processing and review tools, project tracking software, and a document management system available to USAOs.

However, current budget constraints make it challenging to adequately support the USAO community's electronic data storage needs. These budget constraints will continue to suppress the necessary adoption of modern tools and processes, and the development of the necessary skillsets. In addition, growing data storage needs will come at the expense of other operational needs, such as funding for personnel. EOUSA continues to assist USAOs in their efforts to become eLitigation proficient by providing training and education, developing guidance and model policies, guiding litigation software implementation, and providing advice and assistance. To help USAOs in their recruitment efforts, EOUSA is also engaged in a nationwide focus on revising positions descriptions, developing hiring assessment tools, and modifying performance work plans that address this critical skill set.

- **Surging Civil Defensive Caseloads Amid No New Resources:** Since 2015, the U.S. Attorney community has experienced a six-fold increase in civil defensive immigration cases, impacting the entire community and overwhelming some U.S. Attorneys' offices (USAOs). Districts are tackling this increased immigration docket. While the Office of Immigration Litigation, Civil Division, DOJ, has taken on some additional matters from USAOs, and U.S. Citizenship and Immigration Service (USCIS) has provided a few Special Assistant U.S. Attorneys to assist with this effort, these limited resources have not been enough to address the overall need, plus meet the other needs of USAO civil defensive dockets (e.g., employment, Federal Tort Claims Act, Bivens, and Freedom of Information Act actions). This has necessarily pulled resources away from other civil work, including affirmative civil enforcement, civil rights, and environmental work that are Department priorities. In addition, Three Percent Fund allocations for EOUSA (and other Department components)--which funds affirmative civil enforcement efforts (including dedicated full-time equivalents (FTEs) and contractors) and civil debt collection—have been reduced in recent years, with EOUSA's allocation for the last two years being capped at these lower levels, leaving salary and benefit increases for Three Percent Fund FTEs to be absorbed by offices, and limiting the amount of funding available for one-time requests for litigation expenses for Affirmative Civil Enforcement (ACE) matters, including civil rights matters. These pressures on USAO civil divisions have caused increased turnover and burnout among Assistant U.S. Attorneys and are challenging the effectiveness of the USAOs' ability to defend the government's interest in protecting the rule of law and public fisc. In an attempt to decrease reliance on the Three Percent Fund, the U.S. Attorneys have requested Direct funding increases for this casework as part of the last several President's Budget Submissions. However, no program increases were funded in those years due to widespread

Federal budget challenges. The U.S. Attorneys continue to advocate for the need of additional civil defensive resources.

- **Decreased Job Applicant Levels:** For the first time, EOUSA has been able to collect data regarding the levels of applicants per vacancy announcement. This data set was sought after hearing anecdotal stories of noticeable declines in the level of applicants from multiple U.S. Attorneys' offices (USAOs). While concerns about the volume of qualified applicants is not new for support FTE of specialized skill sets, it is unprecedented to hear concerns about the level of attorney applicants. After analysis, EOUSA has determined that the average number of applicants per vacancy announcement has declined by over 40 percent when compared to pre-COVID levels. The decline from FY 2019 to mid-FY 2024 stood at a 44% decrease in the average number of attorney applicants per announcement, and a 48 percent decrease in the average number of support applicants per announcement. Notably, nearly all offices have experienced the same decline...meaning the challenges are widespread. While all of the variables that are likely contributing to such decreases are not within the Department's control, should this trend continue, significant risk to sustaining operations exists. A concentrated effort to improve recruitment, and invest in the Human Resources' capacity within the organization, is required to mitigate this risk. Further, should the budget shortfalls turn to surpluses, it is likely the recruitment issues will inhibit the Department's ability to turn those resources into productive outcomes in a timely manner.

## Justice Management Division (JMD)

- **Departmental Information Technology and Cybersecurity Funding:** In FY 2024, the Department's Justice Information Sharing Technology (JIST) appropriation was reduced by 80% to the lowest inflation-adjusted level in JIST's history, forcing the termination or scaling back of several critical cybersecurity capability sustainment and multi-year information technology (IT) modernization initiatives. For context, in 2005 the 109th Congress first established JIST with a \$125 million JIST account appropriation to address the concern that the Department Chief Information Officer (CIO) had control of less than 10% of DOJ's IT expenditures. With the 2024 reduction to \$30 million, the Justice CIO now has control of less than 1% of DOJ's \$4.7 billion IT spend, which is in direct conflict with the statutory intent of the JIST fund and the Federal Information Technology Acquisition Reform Act (FITARA). Additionally, at a vacancy rate of 15%, the Department's Office of the Chief Information Officer (OCIO) is understaffed, leaving critical 24x7x365 cyber and IT operations without adequate resources, current staff overworked and susceptible to departure. With continued JIST underfunding, the Department will be at a disadvantage in retaining and recruiting highly skilled cybersecurity professionals in the federal workforce, further compromising the Department's ability to sustain our cybersecurity defense and mission-enabling operations.
- **DOJ Office of the Chief Human Capital Officer (CHCO) Funding and Staffing:** Historic, current, and projected budgetary constraints and cuts significantly impact the JMD Human Resources and Administration's (HRA) ability to provide optimal policy and operational oversight and support, programmatic execution, and sustain service levels across our core functional areas: Human Resources (HR); Learning and Workforce Development

(LWD); Security and Emergency Planning (SEPS); Diversity, Equity, Inclusion, and Accessibility (DEIA); Equal Employment Opportunity (EEO); Library Staff; and the Consolidated Executive Office (CEO). Given that all HRA's areas of oversight support the DOJ overall, having insufficient funding to carry out their respective missions poses a heightened risk to the Department. For example, Human Resources Staff, which by comparison to other Federal agencies of its size, is significantly under resourced by well over 100% with approximately 100 funded FTE positions; DOJ's Learning and Workforce Development lacks funding to effectively offer developmental training for existing employees and launch new initiatives for aspiring SES employees and early career development as part of succession planning; the Library Staff, which services and maintains the print and online resources needed to keep DOJ's more than 10,000 attorneys competitive in their discovery and trial preparation work, are constrained by its inability to continue to offer this critical support in the long term and address the increasing needs of components; and Security and Emergency Planning, which oversees critical programs and initiatives for the Department, safeguards, and screening protocols for the safety, security, and well-being for DOJ employees, is in need of funding to implement its mission also due to historic understaffing similar to the Human Resources Staff with only 100 funded FTEs. By comparison, other federal agencies that provide similar departmental oversight generally have around 200 to 350 FTE each for their Human Resources and Security offices. JMD/HRA's Human Resources and Security offices combined barely have 200 FTEs.

- **Litigation Security Group (LSG) Staffing Challenges:** Pursuant to the Classified Information Procedures Act (CIPA), LSG is statutorily mandated to provide information, technical, communications, and personnel security to the federal courts in cases involving classified national security information. No other government agency can provide this service to the Judiciary. LSG is currently understaffed, with Security Specialists each servicing an average of 54 cases nationwide. This is an untenable workload with only six Security Specialists to provide this service and could potentially cause security issues in the Department's key and public environment: the Federal courtroom.
- **Strategic Imperatives for Strengthening DOJ's Contracting Workforce:** Contracting officers are integral to the success of Department-wide acquisition initiatives. However, as the workload has surged, the Procurement Services Staff and the Office of Acquisition Management have seen a significant reduction in the workforce due to the departure of seasoned professionals. To address this challenge, DOJ must prioritize modernizing our talent acquisition strategies, expanding flexible work options, and offering competitive incentives to attract and retain the limited pool of experienced talent. It is imperative that DOJ is positioned as an employer of choice, ensuring we have the expertise necessary to meet our mission-critical objectives.
- **Opportunities and Challenges in Litigation Driven by Transformative Technologies:** Integrating new paradigm-shifting technologies into the Department's ongoing operations must become a new focus of operations. New technologies are dictating what constitutes persuasive evidence in criminal and civil cases: videos, text messages, email, social media, voluminous data, and more. The shift is also driven by technology innovations in new large-scale systems (e.g., body worn cameras), AI, and data analytics. At their core, these

innovations have commonalities, synergy, and overlap: they impact the operational practices of both lawyers and investigators; they require fluency with digital technology; their implementation encompasses user requirements, testing, funding, procurement, pilot testing, and training; and successful adoption of new technologies requires extensive change management planning and execution. DOJ must create an institutional capacity to take advantage of new technologies and simultaneously mitigates their risks. That is the goal of the Deputy Attorney General's electronic litigation modernization and institutionalization directives: *Building Electronic Litigation Capability* (dated April 8, 2024), see <https://dojnet.doj.gov/elitigation/docs/DAG-Building-eLit-Capability-Memo-4-8-24.pdf>

## Office of Information Policy (OIP)

- **Volume of Complex Requests and Available Resources:** The volume of complex Freedom of Information Act (FOIA) requests received by the Department and the limit of available resources to address these requests have posed a significant challenge in meeting our FOIA obligation. Last Fiscal Year, the Department reached a new milestone of receiving and processing over 100,000 requests. Not only have the numbers of requests increased but these requests have also become more complex to process. Keeping up with the appropriate technology and personnel resources has been challenging. The issue is exacerbated by a growing increase of FOIA litigation, which are the most resource intensive requests to manage.
- **Technology:** Acquiring the right technology to keep with the demand described above is critical to the Department's success in administering the FOIA. The level of technological support varies by component, but the use of e-discovery tools can be significant for most. More importantly, it is critical that components be able to utilize new features, particularly those involving artificial intelligence and machine learning, as soon as they are available. As much as technology must be part of the solution it is also creating new challenges. For example, records are being created in much higher volumes and in many different formats compared to years past. This can make processing these records more challenging. Additionally, some requesters have used bots or other forms of technology assistance to flood agencies with requests.
- **Federal Employee Privacy Interests - Doxing:** An evolving area in FOIA is new considerations to consider when protecting employee information such as increased chances of harassment and doxing. Some bad actors have used releasable information about employees through FOIA with other publicly available information such as from social media accounts to dox employees. Educating employees of the disclosure requirements of the FOIA as well as the potential for doxing would help employees protect themselves from these types of attacks.
- **Freedom of Information Act (FOIA) Advisory Committees:** There are two Federal Advisory Committees that involve FOIA and which the Department is a member of due to our government-wide policy role. The FOIA Federal Advisory Committee was established

by the National Archives and Records Administration to develop recommendations on the improvement of agencies' FOIA administration. The General Services Administration also recently established an Open Government Federal Advisory Committee to provide recommendations on the development of the 6th U.S. Open Government National Action Plan. A key part of our National Action Plans has been increasing government transparency which is an area FOIA plays a central role.

- **Leadership Support for FOIA:** A showing of leadership support has been very helpful for agencies to prioritize FOIA as part of their core mission. In 2009, the White House issued an executive order on FOIA that was followed up by new Attorney General FOIA Guidelines that guided our policies through March 2022 when Attorney General Garland issued new Guidelines. The Attorney General also provided remarks showing support for agencies work on FOIA during Sunshine Week in March 2020.

### Office of Legal Counsel (OLC)

- **Legal Issues Arising in a Transition:** A new Administration will set its agenda through actions that will come to OLC for legal review. For example, we will need to advise on Executive Orders, appointments, and legislative proposals. Because OLC is a small office with little control over its docket, these demands will likely strain our resources.
- **National Security Legal Issues During a Transition:** A new Administration may face immediate national security and foreign policy related issues that typically come to OLC for legal review, including through OLC's participation in the National Security Council-led Lawyers Group. Although OLC has career staff with expertise in these issues, incoming political leadership could be required to devote immediate attention to them.

### Office of Legal Policy (OLP)

- **National Security and Law Enforcement Technology:** At the Deputy Attorney General's direction, OLP and Office of Privacy and Civil Liberties (OPCL) co-chair the Facial Recognition Technology Working Group (FRTWG), which:[b] (5) per OIP

[REDACTED]

OLP continues to represent the Department in engagements with the U.S. Government Accountability Office (GAO) on topics including component use of technologies such as facial recognition; "detection, observation, and monitoring" in public spaces; and uncrewed aircraft systems (UAS).

- **Uncrewed Aircraft Systems (UAS)/Counter-UAS:** In coordination with the Office of the Deputy Attorney General (ODAG), OLP leads the Department's efforts to address legal policy arising from the use of uncrewed aircraft systems (UAS) and counter-UAS (C-UAS) technology. This work has recently required: (b) (5) per OIP

[REDACTED]

Given the considerable security and policy implications of UAS/C-UAS, this portfolio will continue to be of importance to the Department.

- **Chief Science and Technology Advisor and Chief Artificial Intelligence Officer Functions and Team:** On February 22, 2024, pursuant to the President's Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence Based Policy Making, and Executive Order 14110, Attorney General Merrick B. Garland designated the Department's first Chief Science and Technology Advisor and Chief Artificial Intelligence Officer (CAIO). The Chief Science and Technology Advisor advises the Attorney General and Justice Department leadership and collaborates with components across the Department on complex issues requiring technical expertise, including on matters relating to cybersecurity, artificial intelligence, and other areas of emerging technology. Additionally, the Chief Artificial Intelligence Officer leads the AI governance and policy efforts (b) (5) per OIP

**(b) (5) per OIP**

- **Data Working Group:** (b) (5) per OIP

[REDACTED]

- **Department-wide Review and Clearance of Non-Correspondence Non-Legal Risk Management (LRMs):** Every day, the Department receives many requests for Department positions and comments from outside the Department. These requests are often made by other Federal agencies directly to components with subject matter experts (SMEs). Components across the Department handle these requests differently, often without coordination with or visibility by the Department leadership. (b) (5) per OIP

[REDACTED]

## Office of Privacy and Civil Liberties (OPCL)

- **Designate a permanent Department Chief Privacy and Civil Liberties Officer (CPCLO) pursuant to DOJ Order 0601:** DOJ Order 0601 details the legal and policy requirements for the Department to have a CPCLO who reports to the head of the Department. See DOJ Order 0601, Privacy and Civil Liberties (2020). The Office of Privacy and Civil Liberties (OPCL) supports the CPCLO. Since 2017, however, the CPCLO has been an "acting" official because no permanent designation has been made by the Attorney General. Privacy and Civil Liberties are critical aspects of every operation of the Department. In fact, it is specifically "the policy of the Department to appropriately consider concerns regarding privacy and civil liberties in the development and implementation of legislative, regulatory, and other policy proposals related to efforts to defend the nation against terrorism, protect national security and public safety, and enforce laws." Ibid. Further, the "CPCLO has primary responsibility for the Department's privacy policy, and is to consider the privacy and civil liberties implications of proposed or existing laws, regulations, procedures, and guidelines." Ibid. Accordingly, it is critical that the Attorney General acknowledge the importance of the CPCLO and formally designate a permanent CPCLO showing the trust of the AG in the CPCLO and imbuing the CPCLO with the permanence and resulting authority the office deserves and requires given the importance of its roles and responsibilities under law and DOJ policy.
- **Provide OPCL and Components with Additional Resources:** OPCL currently has only nine attorneys on staff -- which includes the Director and Deputy Director -- to coordinate with and support at least 40 components and manage burgeoning policy and compliance workloads in domestic and, increasingly, international privacy issues. More resources are needed to enable OPCL to fulfill its obligations to address critical Department priorities. These priorities include the following: privacy assessments of emerging technologies, such as artificial intelligence pursuant to the Executive Order on *Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence*; policy advice supporting transnational organized crime watch listing and implementation of National Security Memorandum 24, Memorandum on Prioritizing the Strategic Disruption of the Supply Chain for Illicit Fentanyl and Synthetic Opioids Through a Coordinated, Whole-of-Government, Information-Driven

Effort; and administratively supporting the recently-established Data Protection Review Court (DPRC), pursuant to Executive Order 14086, *Enhancing Safeguards for United States Signals Intelligence Activities*, see <https://www.justice.gov/opcl/executive-order-14086>.

Although privacy program requirements heavily overlap and interact with security program requirements (see, e.g., DOJ Orders 0904 and 0601), component compliance with privacy program requirements lags severely behind security compliance, impacting DOJ missions regarding both security and privacy. This has been painfully evident in some of the data breaches and subsequent "lessons learned" by components. Most DOJ components do not have sufficient resources to comply with requirements and appropriately minimize privacy risk. The Senior Component Officials for Privacy (SCOP) often serve in that role as a collateral duty. As a result, components frequently fall behind on compliance and privacy risk management efforts; some have a significant backlog of privacy assessments that have not been completed; and many components lack the independent and informed privacy and civil liberties policy advice SCOPs are intended to provide, all placing the Department in violation of its legal and policy requirements and at risk of impeding the Department's mission and harming individuals it seeks to protect.

- **Support Expansion of Privacy Policy and Procedures Work - Emerging Technology:** To meet the Department's mission to protect the privacy, security, and civil liberties of the public in the face of increasingly consequential technological advances--both technology used by the public, and by the Department--the Department needs improved and consistent Department and component policies and procedures for considering and mitigating the risks presented by those advances. OPCL has been heavily engaged and taken lead roles in, for example, the Emerging Technology Board, the Facial Recognition Technology Working Group, and the Data Broker Working Group. Because the need for privacy (including security) and civil liberties expertise and advice in these areas is growing at a fast pace, along with the need for privacy compliance analysis and documentation, OPCL's resources and capabilities must meet those demands though they currently do not.
- **Support Expansion of International Privacy Policy Strategies:** OPCL's international portfolio has grown substantially in the last few years, and is anticipated to continue to grow. Cross-border data flows are the lifeblood of the global economy, critical not only for large technology companies, but big and small firms across all sectors. Data flows are also instrumental to international cooperation on health, finance, scientific research, and law enforcement and national security. The CPCLO and OPCL consult and often lead the U.S. delegation on privacy and civil liberties issues raised in international negotiations on treaties, agreements, arrangements, resolutions, and other instruments designed to provide privacy safeguards and facilitate cross-border transfers. Given its unique mission and position in the Department, OPCL plays an important role facilitating data transfers for Department mission purposes in accordance with U.S. privacy law and norms established by other rule of law countries. Because OPCL has an agency-wide perspective and deep relationships with the components, it understands the equities of all components. OPCL also understands how data is used at all levels of the Department. As an example, the CPCLO and OPCL were instrumental in negotiating and drafting the Organization for Economic Cooperation and Development (OECD) multilateral Declaration on Government Access to Personal Data Held by Private Sector Entities (2022), which focused on commonalities between countries on law

enforcement and national security agency collection and use of personal data. The CPCLO and OPCL had the unique experience and expertise to address the issues, find common ground, and finalize the Declaration, now signed by over 30 countries. They played similarly critical roles on the U.S. delegation in negotiating the Council of Europe (CoE) Framework Convention on AI and Human Rights, Democracy, and the Rule of Law, and the CoE Cybercrime Convention ("Budapest Convention") Second Additional Protocol. They also helped lead U.S. efforts that resulted in the EU-U.S. Data Privacy Framework, which included unprecedented U.S. commitments to strengthen privacy and civil liberties safeguards governing signals intelligence activities, and a new 2-layer binding, independent redress mechanism, with a new Data Protection Review Court created and supported by OPCL. The CPCLO/OPCL's international work will certainly continue with implementation, oversight, and reporting as needed with these instruments, negotiation of new bilateral and multilateral instruments, and with participation in key global privacy forums, including the Global Privacy Assembly, G7 Data Protection Authority Roundtable, EU-U.S. Trade and Technology Council, and U.S.-UK Tech Dialogue.

- **Provide Data Protection Review Court (DPRC) with Additional Resources:** The Attorney General regulations establishing the DPRC identify the forms of administrative support that OPCL will provide to the Court. See 28 C.F.R. part 201. OPCL's administrative support to the Court is conducted on an on-going basis, and often can involve discussions with the judges and Special Advocates, other Department components, and interagency partners. Since the establishment of the Court in October 2022, OPCL's administrative support provided to the Court has encompassed a range of activities, including:
  - The hiring of a senior counsel to provide all necessary support to the Court.
  - Acquisition of secure facilities, including appropriate computer equipment, for the review of classified information, and the acquisition of unclassified computer and other equipment for use by the judges and Special Advocates.
  - Facilitating the selection of the selection and onboarding of the judges and Special Advocates into the Department, including assisting with the processing of required security clearances and any required training or other administrative requirements.
  - The creation and updating of publicly available information on the Court's website.
  - The publication of "Frequently Asked Questions" (FAQs) that were reviewed and approved by the judges.
  - Assistance, as requested and directed by the Court, of matters such as the Court's rules of procedure.

Since October 2022, OPCL has worked to ensure that the DPRC has met several significant milestones. These include:

- In November 2023, the formal announcement and investiture of judges (two more than the number required by the Attorney General regulations). The judges all are highly-qualified individuals, including a former Attorney General.
- In January 2024, the Court published detailed FAQs regarding the Court, which were reviewed and approved by the judges.

- In April 2024, the Court formally announced the two Special Advocates to the Court. In June and July 2024, OPCL confirmed its ability to communicate in an appropriately secure manner with the ODNI CLPO and the European Data Protection Board in a secure manner regarding applications for review.
- Ongoing work on the rules of procedure, where, as required by the Attorney General regulations establishing the Court, OPCL is supporting the judges as they consult with the ODNI CLPO and elements of the Intelligence Community regarding the Court's rules of procedure.

In effect, OPCL manages 10 part-time employees (the judges and special advocates), whose role with the DPPC is a critical pillar of the EU-U.S. Data Privacy Framework (DPF), using one attorney devoted primarily to supporting the Court (but who has additional OPCL duties), and the assistance of other OPCL employees as they are able or the topics cross their normal areas of responsibility. Resources devoted to the DPF were a significant topic of questioning by the European Commission when it conducted its one-year review of the DPF in July 2024. OPCL expects this focus on resources to continue, making it imperative that it has the resources necessary to support the Court's operation once it begins receiving applications for review.

### Office of Executive Secretariat (OES)

- **Departmental Policy Clearances:** OES is assessing its technological and staffing capabilities for OES taking on added responsibilities for facilitating Departmental policy clearances.
- **Justice Manual:** OES maintains DOJ's official record of the Justice Manual, and updates changes as they occur. OES is building out its record-keeping of the Justice Manual to make it more user-friendly within the Department.
- **Suite Remodeling:** To ensure a better use of its space, OES is undertaking a redesign and a construction of its central working space in which several OES staff currently work.

## **OVERSIGHT**

### Office of Professional Responsibility (OPR)

- **Inspector General Access Act:** The Department of Justice Office of Inspector General (OIG) seeks expanded authority to investigate attorney professional misconduct allegations, authority for which is currently--and has been for almost 50 years--the responsibility of the Office of Professional Responsibility (OPR). The Department of Justice has continually objected to passage of the bill because it creates a process that will lead to inconsistent and disparate results, endangers the fair and consistently applied procedures that currently exist,

and will create an inherent conflict of interest arising out of the OIG's authority to investigate criminal conduct by Department employees.

- **Administrative Suspensions of DOJ Attorneys' Bar Licenses for Failure to Comply with State Attorney Licensing Requirements:** Pursuant to 28 U.S.C. § 530C and Department policy, all Department attorneys are required to maintain an active license through which they are authorized to practice law in at least one state, a territory, or the District of Columbia. Over the course of the last several years, OPR has experienced a substantial increase in the number of attorneys reporting that their license has been suspended due to the failure to pay required bar membership dues or to comply with continuing legal education requirements. Working with other Department components, OPR has addressed bar lapse cases through varied approaches, including additional training, Department-wide reminders to all attorneys of the active license requirement, notices to Department managers about their responsibilities to address lapses when they occur, revised annual certification forms, and investigations of lapses when necessary.
- **Development of Department-wide Policy Addressing Relationships between Department Attorneys and Certain Identified Categories of Individuals:** For the past several years, OPR has investigated allegations that Department attorneys have violated state attorney rules of professional conduct by engaging in close, personal relationships with witnesses or potential witnesses, opposing counsel, or judges, without disclosing the relationships to the attorneys' supervisors. OPR has drafted a policy to be adopted Departmentwide requiring all Department attorneys engaged in certain relationships to notify their supervisors of the relationship. The Executive Office for U.S. Attorneys is reviewing OPR's draft policy.
- **Congressional Requests for OPR Investigations of Allegations Relating to Ongoing High-Profile Litigation Conducted by the Department or Access to Information Concerning Such Investigations:** OPR receives congressional inquiries about ongoing high-profile litigation brought by the Department and in cases involving political officials, OPR may face pressure to open investigations into the conduct of Department attorneys involved in the litigation or to provide congress with access to non-public, sensitive, and confidential information about allegations made against the Department attorneys or OPR's actions in response to the allegations.

## Office of the Inspector General (OIG)

- **Strengthening Public Trust in the U.S. Department of Justice:** Strengthening the public's trust in the U.S. Department of Justice continues to be a critically important challenge for the Department. Events over the last several years have placed the Department's objectivity and independence at the forefront of public discourse. As then Attorney General Edward H. Levi observed back in 1975, "since laws exist for the common good, they must be enforced with fairness, evenhandedness, and a proper and common concern for each individual." DOJ's preeminent challenge is to continue to strengthen public trust in the institution by ensuring that decisions and actions adhere to the Department's foundational values of independence,

impartiality, and integrity. The Department can demonstrate its continued commitment to these values by ensuring that its actions are free from any actual or perceived political influence, ensuring there are appropriate measures to respond to employee misconduct, and by appropriately using sensitive investigative and law enforcement authorities entrusted to DOJ.

- **Strategic Management and Operational Challenges in the Federal Corrections System:** The Federal Bureau of Prisons' (BOP) recent update to its mission, vision, and core values statements signals its renewed commitment to institutional change. In her September 2022 testimony before the Senate Judiciary Committee, newly appointed BOP Director Colette Peters announced the BOP's strategy to strengthen oversight and efficiency of its management and operations that includes plans to increase institution staffing, eradicate misconduct, improve infrastructure, upgrade camera systems, and change the BOP culture. These efforts are critical and urgently needed, but the BOP Director faces numerous obstacles to implement these proposed changes. Among the significant recurring issues, the Office of the Inspector General (OIG) has identified in our oversight of the BOP are staffing and internal audits; deaths in custody; professionalism and accountability of staff; institutional safety and security, including deteriorating facilities; cost and quality of inmate healthcare, including mental health; and policy development. Adequately addressing these issues is integral to the BOP's and the Department of Justice's success in ensuring a safe, humane, and compassionate Federal prison system.
- **Promoting and Safeguarding National Security:** Promoting and safeguarding national security, a core responsibility of the Department of Justice, remains a significant challenge amid an ever-evolving threat landscape in which a range of foreign and domestic malign actors use a variety of techniques to threaten American lives, democratic institutions, critical infrastructure, economic interests, and emerging technologies. Reflecting the scope and significance of the difficult task of promoting and safeguarding national security, DOJ's FY 2024 funding request includes \$7.7 billion for national security programs, or over 15 percent of the Department's total FY 2024 spending request. Of this request, \$32.7 million is sought to expand DOJ's counterterrorism efforts and address other national security threats. Given the overlapping and intersecting roles of the Federal Bureau of Investigation (FBI), Federal partners, and other DOJ components in promoting and safeguarding national security, ensuring collaboration and cooperation across agencies and components is essential. The Department must meet this difficult challenge while also safeguarding civil liberties.
- **Cybersecurity and Emerging Technology:** Cybersecurity is a critical priority in view of our society's existential reliance on information technology systems for, among other things, data storage and processing, communications, and commercial transactions. The multifaceted challenge presented in the cybersecurity arena involves protecting sensitive information and systems from unauthorized access, disruption, and theft. With the increasing sophistication of cyber criminals, cybercrime poses a significant challenge to the DOJ and the nation and has led to financial losses and privacy breaches. Moreover, the rapid advancement of emerging technologies, such as artificial intelligence (AI) and new operational technologies, introduces vulnerabilities and complexities that require the Department to be agile and proactive in adapting its cybersecurity strategy to keep pace with technological changes. Enhancing

cybersecurity, combatting cybercrime and cyber threats, along with adopting advanced and emerging technologies are significant challenges facing the Department.

- **Pursuing the Department’s Law Enforcement Mission While Protecting Civil Rights and Civil Liberties:** Like other law enforcement agencies, the U.S. Department of Justice faces an ongoing need to prioritize transparency and accountability, particularly relating to use of force and safeguarding civil rights and civil liberties. At the same time, the Department must ensure that sufficient strategy and resources are dedicated to pursuing long-standing, large-scale challenges, such as violent crime and opioid and narcotic interdiction; emerging priorities, such as pandemic-related relief fraud; and the protection of vulnerable populations, such as children.
- **Improving the Management and Oversight of U.S. Department of Justice Contracts and Grants:** In FY 2022, the U.S. Department of Justice awarded over \$8.6 billion in contracts and \$4 billion in grants. The management and oversight of contracts and grants remain a challenge for the Department. In particular, areas of concern include planning and oversight throughout the procurement lifecycle and grant financial management practices.
- **Effectively Managing Human Capital:** The U.S. Department of Justice faces multiple, interrelated human capital challenges affecting recruitment, retention, and the work environment. In the Office of Personnel Management’s 2022 Federal Employee Viewpoint Survey (FEVS), nearly 30 percent of DOJ employees reported that they were considering leaving the agency due to telework or remote work options. Moreover, according to the Partnership for Public Service’s DOJ performance dashboard, by 2025, 31 percent of DOJ employees and 73 percent of DOJ Senior Executive Service (SES) managers will be eligible for retirement. This data highlights the potential human capital crisis DOJ could face if it is not sufficiently attentive to the evolving market factors that drive employee recruitment and retention. DOJ should ensure that it is using all tools at its disposal, including various hiring authorities and innovative recruitment programs, to maintain a competitive posture in the market for top quality, diverse employees across all of its components and disciplines. Related issues are the critical importance of employee recruitment, safeguarding merit systems principles in hiring, and maintaining a workplace free of harassment and discrimination.

## INITIATIVES, PROJECTS, AND TASK FORCES

### Organized Crime Drug Enforcement Task Forces (OCDETF)

- **Limiting Mission via Reduced Resources:** The primary challenge to producing real results in efforts to target, disrupt, and dismantle priority transnational organized crime (TOC) organizations is the significantly constrained fiscal environment over the last five years combined with limitations to perform the unique, DOJ prosecutor-coordinated governance model that was envisioned when OCDETF was established in 1982 to break down the stove pipes in Federal law enforcement efforts against drug trafficking organizations. In July 2023,

OCDETF saw the expansion of its mission with the Attorney General and Deputy Attorney General approval of the revised OCDETF Program Guidelines. The new Guidelines effectively set the course of the OCDETF Program for the next forty years by employing OCDETF's successful governance and resourcing model to support the targeting, disruption and dismantlement of all priority organized crime threats. Despite expanded program mission authorities, there has not been a correlative increase in funding. In fact, flat resource allocations for OCDETF implemented in 2019 (and continued for the last five years) have forced OCDETF to trim OFC allocations to Program member agencies and across the 93 U.S. Attorneys' Offices. Requests to reinstate lost funding have been denied, impacting operations in 2022 and reaching through 2023 and 2024. Additionally, a [b] (7)(E) per OCDETF [b] (7)(E) per OCDETF

[b] (7)(E) to fulfill the mandate to support the broadened mission requirements and to expand information sharing among and between all Executive Branch organizations involved in the disruption and dismantlement of TOC networks threatening the United States. (b) (7)(E) per OCDETF [b]

and, therefore, to effectively tackle our expanded mandate to combat Transnational Organized Crime (TOC). Given the increased interest by the National Security Council (NSC) on creating a whole-of-government task force network to combat fentanyl trafficking, OCDETF is uniquely positioned to manage and support that concept with additional resources to expand the OCDETF foundation for intelligence and information sharing, coordinated multi-agency task force operations, effective resource management, and performance metrics.

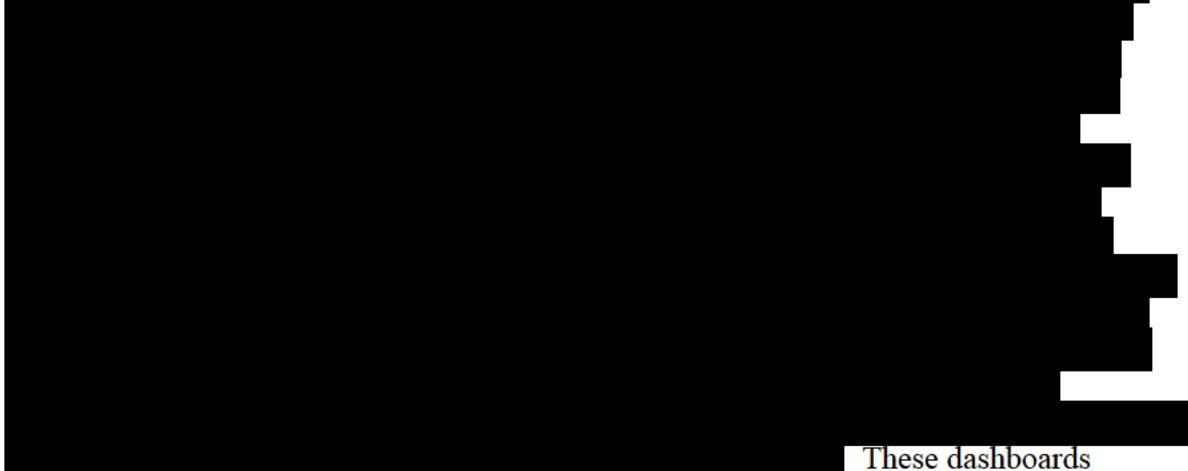
- **Information Technology/ Data System Modernization/ Expansion (Information and Intelligence Sharing):** The expansion of information and intelligence sharing is mission-critical for OCDETF and the Department. Given OCDETF's role as the Attorney General's prosecutor-led joint law enforcement program targeting TOC networks, we established the OCDETF Fusion Center in 2004 which has a unique ability to provide fused law enforcement intelligence products to support the development of coordinated, multi-agency investigations. Meeting the increased demands from the field to accomplish our broadened mission [b] (7)(E) per OCDETF [b] (7)(E) per OCDETF

[b] Over the years, we have seen increased demand for such intelligence from task forces and Program partners. Additionally, to successfully support the OCDETF Program's [b] (7)(E) per OCDETF [b]

[b] This ongoing effort will enable future modernization to maximize the exploitation of cutting-edge technology and the sharing of law enforcement intelligence, intelligence community information, and case information to address existing threats and identify emerging threats, while protecting civil liberties and adhering to the laws,

regulations, and interagency agreements that govern information sharing. OCDETF is uniquely authorized and organized to bring together information from all agencies and organizations involved in the disruption and dismantlement of TOC threats to the United States.

- **Performance Metrics, Data Analytics, and Program Accountability:** This topic is directly related to the need for IT/Data System Modernization. (b) (7)(E) per OCDETF



These dashboards empower decision-makers to make informed, real-time decisions that drive strategic actions aligned with business goals.

- **Narcotics Trafficking is Transnational Organized Crime:** Over the last several years, the opioid and fentanyl crisis has become a national priority. To combat this crisis, OCDETF's National Heroin Initiative (NHI) shifted focused resources to areas where the fentanyl/opioid crisis has hit hardest. The NHI approach provides targeting, coordination, intelligence, and direct operational resources to these areas to curtail the significant influx of fentanyl and illegal opioids into hard-hit communities, build multi-agency investigations to OCDETF-level cases, and aggressively attack the entire targeted criminal organization. Additionally, the resurgence of large-scale methamphetamine distribution continues to be a threat. OCDETF's 5,000+ task forces, nineteen collocated, Joint Federal Law Enforcement Strike Forces, together with the Fentanyl OCDETF National Strategic Initiative (FONSI), are redirecting investigative efforts to build cases to OCDETF-level. Concurrent with the priority effort against TCOs trafficking opioids, Federal law enforcement has seen an exponential growth in internet-enabled fraud as more and more transactions, which once took place in person, now take place on the internet. Many transnational criminal organizations use the internet to defraud Americans through an increasing variety of sophisticated cyber-enabled schemes. These schemes include business email compromise, fraudulent online auctions, romance scams, and investment/retirement account fraud, to name a few. The Federal government has also seen a significant increase in government benefits/entitlement fraud schemes over the last four years. Additionally, Federal law enforcement continues to target sophisticated organizations engaged in human smuggling, human trafficking, weapons trafficking as well as violent criminal organizations engaged in myriad criminal activities. As we support the attack on all forms of organized crime, (b) (7)(E) per OCDETF

(b) (7)(E) per OCDETF

- **Illicit Finance Investigations:** The OCDETF Fusion Center's (OFC) Financial Analysis Section (FAS) focuses on the financial components of every OCDETF investigation it supports. The FAS comprises both intelligence analysts and special agents who support illicit finance investigations and produce intelligence products to support the field. The FAS (b) (7)(E) per OCDETF

In FY 2023, the OFC

FAS re-shaped its mission to align with the new OCDETF Program Guidelines and despite the flat budget allocation, FAS initiatives have yielded over \$20 million in seizures and forfeitures of well over \$3.4 million. OCDETF continues to further evolve its (b) (7)(E) per OCDETF

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