

2011 BUDGET SUMMARY

The 2011 Budget will enable the President and the Attorney General to fulfill their key priorities for the Department of Justice, including safeguarding our national security and reinvigorating the Department's traditional missions such as fighting white collar and violent crime, protecting our marketplace, enforcing our civil rights laws, and preserving our environment. To this end, the Budget provides critical funding for the Department's essential national security and counterintelligence programs, as well as its vigorous efforts to prevent, investigate, and prosecute financial, mortgage, and health care fraud, and its prosecutor-led, intelligence-driven strategy to combat the Mexican drug cartels and protect the Southwest Border. The Budget also provides funding for a substantial expansion of the Community Oriented Policing Services (COPS) hiring program, and resources for the Department's efforts to ensure that prison and detention programs are adequately funded and effective re-entry programs are provided. As President Obama has observed, "the men and women of the Justice Department, every single day," are "keeping us safe from terrorist attacks; bringing to justice those who would do us harm; rooting out corruption and fighting violent crime; protecting our markets from manipulation and our environment from pollution; and upholding our most fundamental civil rights." The 2011 Budget will allow the Department of Justice to continue to fulfill these vital responsibilities.

To fund the critical operations of DOJ in FY 2010, the Congress appropriated \$27.7 billion. The Department's 2011 Budget request totals \$29.2 billion in discretionary funding and 114,873 authorized positions. The request represents a 5.4 percent increase in budget authority and an increase of 2,880 positions over the FY 2010 enacted appropriation. Of the FY 2011 requested amount, overall program increases total \$2.0 billion to fund National Security (\$300.6 million), Traditional Missions (\$402.4 million), Prisons and Detention (\$527.5 million), and Grants, including State, Local and Tribal Assistance (\$722.5 million).

The table below compares the Department's funding levels prior to the terror attacks of September 11, 2001, (FY 2001) to the FY 2010 Enacted and FY 2011 President's Budget, as well as the percent change between the FY 2010 level and FY 2011 Request. Increases are requested for Law Enforcement components of \$575 million (or 5 percent), Litigating components of \$167 million (or 6 percent), Prisons and Detention of \$713 million (or 9 percent), and Administrative, Technology and Other efforts of \$223 million (25 percent) when compared with the FY 2010 level. While a decrease of \$188 million (or -5 percent) is presented for State, Local, and Tribal Assistance compared to the FY 2010 program funding level, the FY 2011 Budget does not maintain funding for earmarks, as they bypass the competitive and formula grant processes designed to ensure that those states, communities, and organizations most in need of assistance will receive it. Without \$487 million in FY 2010 earmarks, State, Local and Tribal Law Enforcement Assistance represents a 10 percent increase (+\$300 million) above the FY 2010 funding level.

	(\$000)
2010 Enacted	\$27,700,551
Continue DOJ's Existing Mission:	681,011
<i>Technical Adjustments</i>	70,409
<i>Base Increases</i>	853,353
<i>Base Decreases</i>	(242,751)
2011 Current Services	28,381,562
2011 Program Increases:	1,953,075
<i>National Security</i>	300,646
<i>Traditional Missions</i>	402,429
<i>Prisons/Detention</i>	527,480
<i>Grants</i>	722,520
<i>Subtotal</i>	30,334,637
2011 Program Offsets	(1,144,463)
2011 Request	\$29,190,174
Scorekeeping Offsets	(5,047,000)
2011 TOTAL	\$24,143,174

	Dollars in millions			
	2001 (pre 9/11)	2010 Enacted	2011 President's Budget	% change 2011 over 2010
Law Enforcement Components	\$5,750	\$12,670	\$13,245	5%
Litigating Components	\$2,357	\$2,962	\$3,129	6%
Prisons and Detention	\$4,901	\$7,624	\$8,337	9%
State, Local and Tribal Assistance	\$4,637	\$3,552	\$3,364	-5%
Admin/Technology/Other	\$208	\$892	\$1,115	25.0%
Total DOJ Discretionary Budget	\$17,853	\$27,700	\$29,190	5%

Note: Totals in this table do not include scorekeeping offsets or the Immigration and Naturalization Service, which transferred \$3.3 billion to the Department of Homeland Security in FY 2003. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) was transferred to DOJ in FY 2003 in the amount of \$822.0 million.

STRENGTHEN NATIONAL SECURITY & COUNTER THE THREAT OF TERRORISM

Protecting our national security remains the Department of Justice's highest priority. Each day, Justice Department employees work tirelessly with their partners in the Intelligence Community to detect, disrupt, and deter threats to national security. For instance, the Federal Bureau of Investigation (FBI) has had important operational successes through its Joint Terrorism Task Forces (JTTFs), which serve as the coordinated "action arm" for federal, state, and local government response to terrorist threats. National Security Division (NSD) attorneys represent the United States before the Foreign Intelligence Surveillance Act (FISA) Court and work closely with the FBI and with prosecutors in United States Attorneys' Offices all across the country, to coordinate multi-district terrorism investigations, allowing the government to act against terror threats. Additionally, Drug Enforcement Administration (DEA) agents are working in Southwest Asia, particularly in Afghanistan, to stem the flow of narcotics from that region—a key source of funds for the Taliban and other anti-U.S. actors in Afghanistan and Pakistan.

Despite these improvements in the Department's national security programs, the threats of terrorism, weapons of mass destruction, and foreign counterintelligence have not dissipated. Gaps in certain critical areas still remain. Meanwhile, our enemies have the resources, technical capabilities, and unyielding desire to bring harm to the United States and our interests, and we cannot afford to fail in our national security responsibilities. For example, continued advances in high speed telecommunications, computers, and other technologies are creating new vulnerabilities and new opportunities for terrorists and criminals. Also, new challenges for law enforcement, including the need to ensure cybersecurity require substantial investment in technology and human capital to keep pace with those changes. More needs to be done to enable the Department to handle new and emerging national security threats

To this end, the FY 2011 Budget requests a \$300.6 million program increase to help strengthen national security and counter the threat of terrorism. The request includes 440 additional positions, including 126 agents and 15 attorneys, and \$219.3 million in increases for the FBI and \$7.8 million in increases for the NSD. The FY 2011 Budget request includes a 5 percent increase in DOJ counterterrorism funding and a 9 percent increase in resources for intelligence activities over the FY 2010 levels. All told, the FY 2011 Budget request dedicates almost 15 percent of the Department's total discretionary budget authority to national security efforts. These funds are needed to allow the Department to identify, track, and defeat terrorists operating in the United States and overseas, and to fortify our intelligence analysis capabilities.

RESTORE CONFIDENCE IN OUR MARKETS, PROTECT THE FEDERAL FISC, AND DEFEND THE INTERESTS OF THE UNITED STATES

The Department of Justice plays a crucial role in the federal financial recovery effort through criminal and civil litigation. We are currently in the midst of the largest expenditure of government funds over the shortest period of time in the Nation's history. However, just as the American Recovery and Reinvestment Act (ARRA), the Troubled Asset Relief Program (TARP), and the Term Asset-Backed Securities Loan Facility (TALF) program represent unprecedented expenditures of federal funds, they also create an unprecedented target for fraud on the government. Accordingly, the Department requests program increases totaling \$128.7 million, for economic fraud enforcement efforts, a 23 percent increase from FY 2010. This increase will support additional FBI agents, federal prosecutors, civil litigators, and bankruptcy attorneys to ultimately improve the Department's capacity to prosecute and investigate financial fraud.

The Department's efforts not only protect American investors and national financial markets, but they are also likely to have high rates of return on the federal government's initial investment of resources through the ARRA. Investments in debt collection activities, tax law enforcement, and fraud enforcement lead to the recoupment of funds to the federal fisc. Strengthening defensive litigation may also reduce the sums that the United States will be required to pay to private litigants. Increased investment in environmental enforcement, and in defending the Administration's environmental initiatives, will pay dividends by enabling the Department to strengthen efforts to enforce the Clean Air Act, the Clean Water Act and other legislation and regulations that exist to protect the Nation's natural resources.

Finally, the Department requires resources for programs that increase efficiency and productivity. These functions help the financial management, case tracking, and workload data that drive investigations, resource deployment, and investment in new infrastructure across the Department's components.

The FY 2011 Budget requests substantial funding to allow the Department to continue its efforts to help restore confidence in our markets, protect the federal fisc, and defend the interests of the U.S. Government. These resources will enable the Department to aggressively pursue traditional law enforcement and litigation activities ranging from mortgage fraud, corporate fraud, and other economic crimes, to other mission-critical activities that support the overall functioning and efficiency of the Department. The FY 2011 Budget requests a \$234.6 million program increase for these important efforts. The request includes 708 additional positions, including 143 agents and 157 attorneys.

MAINTAIN PRISONS, DETENTION, PAROLE AND JUDICIAL & COURTHOUSE SECURITY

As a result of successful law enforcement policies, the number of criminal suspects appearing in federal court continues to grow, as does the number of individuals ordered detained and ultimately incarcerated. The Department's FY 2011 request provides the needed funding that will allow the Bureau of Prisons (BOP), Office of the Federal Detention Trustee (OFDT), U.S. Parole Commission (USPC) and U.S. Marshals Service (USMS) to continue to protect society by confining offenders in the controlled environments of prisons and contract- or community-based facilities; as well as offer self-improvement opportunities to offenders that will assist them in becoming law-abiding citizens and reduce the likelihood of recidivism.

The BOP operates 115 federal prisons and contracts for low security prison beds to confine more than 213,000 inmates in FY 2010. BOP projects that the federal prison population will increase by around 7,000 inmates in FY 2011. Therefore, program enhancements included in the FY 2011 Budget provide \$523.2 million in new program funding to support increases in BOP and OFDT operations. These additional funds will allow OFDT in particular to support an average daily detention population (ADDP) of approximately 63,000, to increase detention bed space in the Southwest Border region, and for increased prisoner transportation and medical costs associated with the rise in ADDP.

In addition, these program enhancements increase funding to support Second Chance Act initiatives and re-entry programs, including expanded re-entry transitional housing, BOP inmate correctional programs, and the District of Columbia Recidivism Reduction and Re-entry Enhancement, a new program that will be implemented by the USPC in FY 2011.

Finally, resources are requested to enhance the law enforcement efforts of the USMS, primarily their Special Operations Group (SOG), which supports USMS and other agencies with a rapidly deployable force of tactically trained officers. SOG provides tactical support for any incident involving the judiciary, district operations and witness security operations. The President's Budget also annualizes into the USMS base additional positions approved in FY 2009 (201 positions) and FY 2010 (700 positions) to support immigration enforcement, particularly along the Southwest Border.

All told, the FY 2011 Budget request includes \$527.5 million in program increases for the BOP, OFDT, USPC, and USMS. The FY 2011 Budget requests \$9 billion or approximately 30 percent of the Department's total budget authority to maintain prisons, detention, and parole, and to provide judicial and courthouse security.

ENFORCE IMMIGRATION LAWS

The Department maintains substantial responsibilities with respect to immigration, including enforcement, detention, judicial functions, administrative hearings and litigation, among others. The Department's Executive Office for Immigration Review (EOIR) serves as the front-line presence nationwide in immigration matters; overseeing the immigration court and appeals process. EOIR receives cases directly from the Department of Homeland Security (DHS) enforcement personnel, in which the government is generally seeking the removal of aliens who are in the country without lawful status or who have committed some act, typically a criminal offense, that renders them removable. In recent years, however, the Department's resource enhancements have not kept pace with those received by the various immigration components of DHS, thereby undermining the effectiveness and efficiency of immigration enforcement, adjudication and detention programs. EOIR's immigration court caseload continues to increase to unsustainable levels as a result of DHS' heightened enforcement efforts e.g., criminal alien programs and border enforcement. The caseload grew 30 percent between FY 2004 and FY 2009, from 300,000 to 390,000 new matters coming to EOIR for resolution each year. The number of new cases is expected to exceed 400,000 annually, by 2011.

The resources provided in the 2011 Budget are therefore needed to maintain and improve EOIR's vital functions. In order for EOIR to process this increasing workload and to improve the efficiency of the immigration program overall, the Department is requesting an \$11 million program increase, including 125 positions (31 attorneys) for EOIR which will support an additional 21 Immigration Judge Teams and 10 Board of Immigration Appeals attorneys. This will allow EOIR to address the caseload increases emanating from DHS programs, including the Secure Communities Initiative and the Criminal Alien Program. These resources are necessary to improve the current immigration system and to ensure that the nation's approach to immigration enforcement is reasonable, effective, and humane.

Similarly, the Civil Division's Office of Immigration Litigation (OIL) also plays a crucial role in upholding the enforcement actions of DHS and EOIR. OIL provides the government with the best possible defense in district court cases and challenges to removal orders filed in circuit courts by illegal aliens, many of whom are criminals. As DHS enforcement activities become more aggressive with the implementation of the Secure Communities Initiative, OIL can expect many more aliens to petition their removal decisions in circuit courts. The FY 2011 Budget maintains the current staffing levels for OIL.

PROTECT CIVIL RIGHTS AND VULNERABLE POPULATIONS

Throughout its history, the Department of Justice has helped safeguard the civil rights of all Americans by targeting discrimination through investigation, litigation, outreach, technical assistance and training efforts, and by providing guidance to federal, state, local and tribal agencies. The President and Attorney General have recommitted the Department to performing this historic role. As such, the Department is revitalizing its work in these critical areas. The resources requested for the FY 2011 Budget builds on the progress made in the FY 2010 Budget to restore the Department's unparalleled role in leading the enforcement of our civil and constitutional laws. Indeed, the FY 2011 Budget provides for increased enforcement of several Department priorities—including combating discrimination in lending and foreclosures, preventing employment discrimination, protecting voting rights, prosecuting bias-motivated crimes, and preventing crimes against children.

The FY 2011 Budget requests a \$19.8 million increase, including an additional 99 positions (43 attorneys and 4 agents), to protect civil rights and vulnerable populations. These resources will provide for increased enforcement of fair housing and fair lending laws and the expansion of the Civil Rights Division's voting rights enforcement program. The request also will allow the Department to enhance its hate crime enforcement responsibilities, including additional resources for the Community Relations Service. The Department's prosecution of hate crime incidents has increased over the last few years and the prosecution rate is expected to continue to increase as well. Also provided within the request are resources for the Federal Bureau of Investigation, INTERPOL Washington, and the Criminal Division to defend the basic rights of children to be free from exploitation. The FY 2011 Budget also will support the Department's ability to address significant challenges posed by international crimes and increasingly sophisticated child pornography offenders. These new resources will expand our capabilities for tracking convicted sex offenders, recovering missing and abducted children, and combating sex tourism.

COMBAT INTERNATIONAL ORGANIZED CRIME

International organized crime poses unprecedented threats to U.S. national and economic security. These threats include attempts by organized criminals to exploit our energy and other strategic sectors, support for terrorists and hostile governments, orchestration of cyber and intellectual property crimes, and efforts to manipulate our financial, securities, and commodities markets.

The requested enhancement is vital to support the implementation of the *Law Enforcement Strategy to Combat International Organized Crime*, which the Attorney General's Organized Crime Council (AGOCC) adopted in April 2008 to modernize law enforcement's approach to international organized crime. This funding will support a unified strategy

to dismantle international criminal organizations that have become exponentially more sophisticated. The FY 2011 Budget request includes \$15.0 million in program increases, including an additional 18 positions (3 agents and 7 attorneys), that will allow the Department of Justice to continue implementing the IOC Strategy.

REDUCE THE THREAT, INCIDENCE AND PREVALENCE OF VIOLENT CRIME AND DRUG TRAFFICKING

Violent crime and drug trafficking continue to demand a significant federal response. Although the total amount of violent crime has not increased in recent years, the share of such crime that requires federal resources continues to grow; as regional street gangs increase their involvement with national and international gangs and drug trafficking organizations. For example, the number of identified violent street gangs increased by 21 percent between 2005 and 2008, while Mexican drug cartels operating along both sides of our Southwest Border continue to maintain drug distribution networks in more than 230 cities in 45 states. Additionally, in 2009, there were approximately 6,500 drug related murders in Mexico, an increase of more than 160 percent above 2007 levels. The Department of Justice requires significant resources to meet these challenges through its prosecutor-led, intelligence-driven strategy to address the interrelated threats of violent crime and drug trafficking.

The Department's request in this area includes funding for Project Gunrunner, the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF) Southwest Border firearms trafficking enforcement program and forensic support for Federal Bureau of Investigations (FBI) activities in Indian Country. The Department's request also includes significant expansion and investment to the Organized Crime Drug Enforcement Task Force (OCDETF) Program, which is the centerpiece of the Department's drug enforcement efforts. The request further includes funding to expand operational capability at the Drug Enforcement Administration's (DEA) El Paso Intelligence Center (EPIC) as well as improved intelligence exploitation ability along the Southwest Border and expanded drug enforcement operations in Mexico.

Given the scope of these challenges, the Department of Justice's FY 2011 Budget supports an increase of \$121.9 million and 60 positions, including 28 agents and 6 attorneys, to reduce the threat, incidence and prevalence of violent crime and drug trafficking. For FY 2011, approximately \$5 billion or 17 percent of the Department's total budget is dedicated to target these growing problems, including \$1 billion for federal law enforcement to help address violent crime and \$4 billion for federal drug enforcement and prosecution efforts. In addition, resources to assist DOJ's state, local and tribal law enforcement partners combat violent crime and drugs are requested within the Department's grant programs.

ASSIST STATE, LOCAL AND TRIBAL LAW ENFORCEMENT

The Department of Justice continues to maintain key partnerships with state, local and tribal officials and community members. These relationships maximize the Federal Government's ability to fight crime and promote justice throughout the United States.

One such partnership is the COPS grant program. These grants enable state and local police agencies to increase the number of officers available for targeted patrol and other proven strategies designed to prevent and reduce crime. The budget requests an additional \$302 million for the COPS Hiring program in FY 2011, for a total of \$600 million for this program.

Another critical effort in our continued partnership with state, local and tribal communities is the many grant programs provided through the Office on Violence Against Women (OVW). Accordingly, the Department is requesting a total of \$461 million in order to provide communities with the opportunity to combat sexual assault and violence against women. This funding includes \$30 million for the Sexual Assault Services Program and \$50 million for the Legal Assistance for Victims Program.

The Department is requesting a total of \$2.2 billion for the Office of Justice Programs. Within this funding, \$40 million is requested for a new Byrne Criminal Justice Innovation Program, \$10 million for an initiative to support smart policing, another \$10 million to promote smart probation initiatives, \$20 million to continue to implement the Adam Walsh Act, and \$37 million to assist children exposed to violence. Over \$25 million in additional funding is sought to expand criminal justice research and statistical data gathering efforts.

In total, the FY 2011 Budget requests a \$722.5 million increase for state, local and tribal law enforcement assistance programs; bringing total program funding to \$3.4 billion. This represents 12 percent of the Department's total budget. These funds will allow the Department of Justice to substantially increase the support we provide to our state, local and tribal partners who fight violent crime, combat violence against women, and support victim programs. The FY 2011 Budget does not maintain funding for earmarks, as they bypass the competitive and formula grant processes designed to ensure that those states, communities, and organizations most in need of assistance will receive it. Without \$487 million in FY 2010 earmarks, State, Local and Tribal Law Enforcement Assistance represents a 10 percent increase (+\$300 million) above the FY 2010 funding level.

PUBLIC SAFETY IN INDIAN COUNTRY

There are over 56 million acres of Indian Country and more than 560 federally recognized American Indian tribes. The Major Crimes Act provides federal criminal jurisdiction over certain specified major crimes if the offender is Indian, while tribal courts retain jurisdiction for conduct that might constitute a lesser offense. Thus, federal investigation and prosecution of felonies in Indian Country cannot be deferred to a local jurisdiction and therefore federal law enforcement is both the first and only avenue of protection for the victims of these crimes.

Many tribal law enforcement agencies face unique obstacles that often challenge their ability to promote and sustain community policing effectively. Unlike municipal police agencies, many tribes still lack basic technology to modernize their departments, such as laptops installed in police vehicles. The officer-to-population ratio still remains lower on Indian reservations than in other jurisdictions across the country. Finally, tribal law enforcement has a unique challenge of patrolling large areas of sparsely populated land.

The FY 2011 President's Budget requests \$448.8 million in total resources for initiatives in Indian Country. New investments include significant grant resources for addressing a broad range of criminal justice issues and additional FBI agents to help tribal communities combat illegal drug use, trafficking, and violent crime.

HEALTH CARE FRAUD AND ABUSE CONTROL (HCFAC)

The Department's efforts to combat health care fraud are funded almost exclusively through reimbursements from the Health Care Fraud and Abuse Control (HCFAC) account administered by the Department of Health and Human Services (HHS).

In FY 2010, the HCFAC account provided \$211.4 million in mandatory and discretionary funding for the DOJ litigating components and the FBI which are engaged in combating health care fraud. In FY 2011, HHS' budget contains an increase of \$60.2 million for the DOJ components that receive funding from this account. These funds will be used to further the efforts of the Health Care Fraud Prevention and Enforcement Action Team (HEAT) initiative, announced last year by the Attorney General and the HHS Secretary. Specifically, the funding will permit DOJ to expand Medicare Fraud Strike Force operations to 13 additional locations, for a total of 20 across the nation, in order to target agents and attorneys to the criminal hubs where health care fraud activities occur.

In addition, these funds will be used for civil enforcement efforts, including alleged fraud by pharmaceutical and medical device manufacturers. These anti-fraud efforts have the potential to save \$2.7 billion over five years by improving oversight and stopping fraud in the Medicare and Medicaid programs.