

STATEMENT OF ERIC H. HOLDER JR.
ATTORNEY GENERAL OF THE UNITED STATES
BEFORE THE UNITED STATES SENATE

COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND RELATED
AGENCIES

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Good morning Chairman Mikulski, Ranking Member Hutchison, and Members of the Subcommittee. Thank you for this opportunity to meet with you today to discuss the President's Fiscal Year 2012 budget request for the Department of Justice and to provide an update on the Department's progress, key priorities, and future plans. I appreciate your recognition of the Department's critical mission, and I thank you, in particular, for your support of the FY 2010 Supplemental Emergency Border Security Act and the FY 2010 Supplemental Disaster Relief and Summer Jobs Act. These measures provided essential resources for our law enforcement and litigation operations. I look forward to your continued partnership and support.

When I appeared before this subcommittee last May, I testified that the Department had made historic progress in meeting its strategic goals under this Administration: to protect our national security, to reinvigorate the Department's traditional missions and to restore integrity and transparency at every level of the Department's work. I also pledged that, under my leadership, all decisions and policies would be based on the facts, the law and the best interests of the American people, regardless of political pressures or political consequences.

Almost one year later, I am pleased to report that – even at a time of financial challenge – we continue to make progress in meeting these ambitious goals. We remain dedicated to protecting the American people through the use of every lawful instrument to ensure that terrorists are brought to justice, held accountable for their actions, and can no longer threaten American lives. Over the past year, we also continued to defend the safety and best interests of both consumers and the United States. We sought to ensure the strength and integrity of our most essential health-care programs through enforcement actions that helped control health care costs and reduce fraud. We worked to safeguard the public against threats foreign and domestic. We collaborated with local law enforcement to investigate January's tragic shootings in Tucson, Arizona, and we continue to utilize every resource necessary to deliver justice for those killed and injured. We also led federal efforts to prevent and control crime by taking aggressive steps to combat the serious proliferation of violence along the Southwest Border and to combat the

nationwide epidemics of gang- and drug-fueled violence, human trafficking, hate crimes and child exploitation.

Today, I affirm these commitments – and pledge also to act as a sound steward of taxpayer funds. The Department will continue to explore ways to assess the effectiveness of our investigations and prosecutions; to reduce duplication of efforts and realign investigative resources; and to promote effective, fiscally-sound alternatives to incarceration consistent with public safety. I will continue to make targeted investments that render communities safer for all Americans and to work with our many partners to strengthen critical state, local- and tribal-assistance initiatives.

As you are aware, the FY 2011 Continuing Resolution presents significant budget challenges for the Department, as the current cost of operations and staffing is considerably higher than it was last year. Given the size of our Department – and the scope of its many responsibilities – I have announced financial restrictions that are difficult but, under these circumstances, necessary. One of the measures that I recently announced was a temporary freeze on hiring. I have also directed components to immediately curtail non-personnel spending unless it is necessary for essential operations. These actions – and others – are designed to increase overall efficiency and to keep the Department solvent and operating effectively. We take these steps now in order to avoid more severe measures in the future, such as staff furloughs.

But even with these directives in place, it is critical to our national security – and to our law enforcement work – that the Department obtains adequate funding in FY 2011 and that this committee, and the 112th Congress, approves the President’s FY 2012 budget request.

The President’s FY 2012 budget request for the Department of Justice totals \$28.2 billion, which represents a 1.7 percent increase in gross discretionary budget authority over the FY 2011 Continuing Resolution level. This budget reflects our key priorities of strengthening national security, preserving the Department’s traditional missions, maintaining safe prison and detention facilities, assisting our state, local and tribal law enforcement partners, and identifying savings and efficiencies that promote fiscal responsibility. In addition to addressing my key priorities, the Budget enhances the Department’s ability to focus on recovering assets obtained through financial fraud, drug trafficking, and other criminal activity. In FY 2010, the Department’s Asset Forfeiture Program obtained over \$1.6 billion in forfeited assets and distributed over \$674 million to victims of financial crimes and our state and local law enforcement partners. The Department also collected and disbursed over \$4.7 billion related to civil debt collection in FY 2010. Of this amount, \$3.7 billion was returned to federal agencies, \$494.5 million was returned to the Treasury, \$391.2 million was paid to non-federal recipients, and \$101.8 million was retained for debt collection efforts within the Department. This budget continues our emphasis on fiscal accountability and oversight.

Strengthen National Security

Preventing, disrupting, and defeating terrorist acts before they occur remain the Department's highest priority. National security threats are constantly evolving, requiring additional resources to address new critical areas. The increase in global access to technological advancements has only compounded this problem, resulting in new vulnerabilities that must be addressed.

The President's budget request demonstrates this Administration's steadfast dedication to protecting our national security and a commitment to using every instrument within our power to fight terrorism and keep America safe. The Department plays a critical role in the government's national security and intelligence efforts, and it is essential that the Department's budget maintain the capabilities we have developed even in these difficult fiscal times. Moreover, the budget requests \$128.6 million in program increases and 170 additional positions to strengthen national security and counter the threat of terrorism. The requested increases would provide the essential technological and human capital to detect, disrupt and deter threats to our national security.

More specifically, the Administration supports critical national security programs within the Department, including \$122.5 million in program increases for the Federal Bureau of Investigation (FBI) and \$729,000 in program increases for the National Security Division (NSD). This figure includes resources that will enable the FBI to enhance national security-related surveillance capabilities and enhance its Data Integration and Visualization System; expand the Operational Enablers program and Weapons of Mass Destruction/Render Safe capabilities to strengthen our ability to diffuse, disrupt, or destroy weapons of mass destruction; and expand the Computer Intrusion Initiative to increase our capabilities to detect and counter cyber intrusions.

To address the growing technological gap between law enforcement's electronic surveillance and the number and variety of communications devices available to the public, the request also includes \$17 million in program increases to improve the Department's lawful Electronic Surveillance Capabilities for the FBI, Drug Enforcement Administration, Bureau of Alcohol, Tobacco, Firearms and Explosives, and the U.S. Marshals Service.

Preserve Traditional Missions

At the Department, we continue America's greatest tradition of protecting the promise of justice and helping bring justice to those in need. Enforcing the law and ensuring the fair and impartial administration of justice for all requires resources to both investigate and litigate on behalf of the American people. The request provides \$57.4 million in program increases to expand the Department's enforcement litigation capacity and its ability to protect vulnerable populations.

These resources will enable the Department to continue to fulfill its historic role in fighting crime, protecting civil rights, preserving the environment, and ensuring fairness in the marketplace, while responding to new and unprecedented challenges such as the Deepwater Horizon oil spill. And they will support continued robust efforts to crack down on financial fraud, which have already resulted in charges for fraud schemes that have cost victims more than \$8 billion in estimated losses nationwide. The budget also includes funding to continue the implementation of the Hate Crimes Prevention Act of 2009, which helps communities prevent and respond to violent hate crimes committed on the basis of gender, gender identity, sexual orientation, religion, and disability in addition to race, color, and national origin.

To respond to mounting demands, we have also requested \$15 million for the Executive Office of Immigration Review, including funds for 21 new immigration judge teams, additional attorneys for the Board of Immigration Appeals and funds to expand our Legal Orientation Program.

Maintain Safe Prison and Detention Facilities

It is important for the Department to maintain the appropriate balance of resources within core Departmental functions. Successful investigations lead to arrests, prosecutions, and convictions. They also lead to a greater need for prison and detention capacity. More than 5,000 new federal inmates and 6,000 detainees are projected to be in custody in 2012, which means adequate funding for prison and detention operations is critical. The budget requests a total of \$8.4 billion to maintain basic prison and detention operations.

The budget request includes \$224 million in prison and detention resources to maintain secure, controlled detention facilities and \$461.4 million for program increases to ensure the growing numbers of offenders are confined in secure facilities. The Department is committed to strengthening current efforts to improve inmate reentry and recidivism rates, and the proposed budget includes \$22 million for Second Chance Initiatives that would allow for enhanced inmate reentry programs, specifically vocational training, education, and drug treatment programs.

In addition, the budget addresses the federal prison population through sentencing reform. Such reform is anticipated to help stabilize the growth of the prison population and ensure fundamental fairness in our sentencing laws, policy, and practice. One outcome of these changes would be to address associated long-term costs.

We are also continuing our efforts to combat sexual abuse in correctional settings. Simply put, sexual abuse is a crime, not a punishment for a crime. Last month, we published a proposed rule pursuant to the Prison Rape Elimination Act (PREA) that contains national standards aimed at combating sexual abuse in adult prisons and jails, juvenile facilities, lockups and community confinement facilities. In addition to preparing the rule, the Department has

been working to ensure that, once promulgated, the national standards are successful. The Department is uniquely positioned to serve as a force multiplier, enabling best practices to gain recognition and enabling correctional systems to benefit from the PREA efforts of other jurisdictions. The Bureau of Justice Assistance has entered into a three-year cooperative agreement for the development and operation of a Resource Center for the Elimination of Prison Rape. The Resource Center, which was established with FY 2010 funding, will provide additional training and technical assistance to states and localities to assist in the identification and promulgation of best practices and promising practices. The Department's request will supplement our efforts by enabling the Bureau of Justice Statistics to continue its work conducting surveys examining the incidence and consequences of sexual abuse in confinement settings.

Assist State, Local and Tribal Law Enforcement Partners

The President's budget also requests a total of \$3.0 billion for state, local and tribal law enforcement assistance. These funds will allow the Department to continue support to state, local and tribal law enforcement agencies that fight violent crime, combat violence against women and support victim programs.

The Department recognizes that many tribal law enforcement agencies face unique obstacles to effectively promote and sustain community policing. Unlike municipal police agencies, many tribes still lack basic technology to modernize their departments, such as laptops installed in police vehicles. The budget requests \$424.4 million in total resources for public safety initiatives in Indian Country.

In addition, the Department continues to build and maintain key partnerships with state, local and tribal law enforcement officials as well as community members. These partnerships include Community Oriented Policing Services (COPS) hiring program, which enables state, local and tribal police agencies to increase the number of officers available for targeted patrol and other proven strategies designed to prevent and reduce crime. In addition, the Office on Violence Against Women (OVW) supports numerous grant initiatives that provide communities with resources to combat sexual assault and other forms of violence against women. These include the Legal Assistance for Victims Program, Sexual Assault Services Program, and the new OVW Consolidated Youth Oriented Grants Program.

The budget request includes resources for new programs for the Office of Justice Programs (OJP), including the Race-to-the-Top style Juvenile Justice System Incentive Grant Program and the Byrne Criminal Justice Innovation Program. And it includes funding to continue implementation of the Adam Walsh Act of 2006 to protect children from exploitation; assist children exposed to violence; and implement a smart policing initiative. These programs – and our relationships with state, local and tribal law enforcement agencies – will maximize the federal government's ability to fight crime and to promote justice throughout the United States.

In that spirit, although violent crime has decreased nationwide, the Department remains committed to tackling a disturbing countertrend: the number of law enforcement officers killed in the line of duty has surged. Last year, 162 law enforcement officers were lost – 61 of them were killed by gun-violence – an increase of nearly 40 percent from the previous year, and the highest level of gun-related officer deaths in nearly two decades. So far in 2011, the number of officers killed by gunfire is 60 percent higher than last year’s level at this time.

To combat this unacceptable trend, the Department hopes to be able to continue our critical investments to expand our bulletproof vest initiative and our cutting-edge officer safety training programs and information-sharing platforms. This much we owe to those who put themselves in harm’s way, day after day, to protect their fellow citizens.

Savings and Efficiencies

The President’s FY 2012 budget request represents a fiscally responsible approach to funding the Department’s critical missions. The budget proposal also places a premium on achieving savings and efficiencies. It includes broad savings to be gained from improved IT project management, smarter travel policies, better space utilization, and other cost-saving measures. We have also made hard choices in program reductions in order to focus our resources on our highest priority programs. These are just a few of numerous proposed efforts to respond to the fiscal realities that we face today – and to act as sound stewards of taxpayer dollars.

As we move forward with the tough choices necessary to reduce our national deficit and put the country on a sustainable fiscal path, we must never compromise our core mission: to protect the American people – and to ensure justice for all.

Conclusion

Chairman Mikulski, Ranking Member Hutchison, and Members of the Subcommittee, thank you again for this opportunity to discuss the Department’s priorities and detail new investments sought for FY 2012.

Today, I have highlighted critical areas that require attention and resources so that the Department can continue to enforce the nation’s laws and protect our national security. I hope that you will support the Department in the execution of these worthy efforts. In this age of limited budgets and growing demands, the Department’s leadership has already made many tough choices in preparing this budget, significantly reducing funds requested in certain areas in

order to focus our resources on national security and core law enforcement and litigation responsibilities. I urge you to support these priorities.

In this time of unprecedented challenges, new threats, and ongoing war, such support will remain critical in enabling the Department of Justice to meet its goals and obligations. As we move forward, I look forward to working with you and your colleagues.

I am now happy to answer any questions you may have.

Thank you.