



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, DC 20530

The Honorable Rosa DeLauro
Ranking Member
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Representative DeLauro:

This responds to your letter to the Department of Justice (Department), dated January 19, 2023, regarding the impact on the Department's ability to achieve its public safety mission if fiscal year (FY) 2024 discretionary spending is capped at the FY 2022 enacted level. Funding the Department at FY 2022 enacted levels would result in a significant reduction to the Department's budget calculated to be much as 22% below FY 2023 enacted level and more than \$4 billion below what the Department would require to sustain even its base functions (current services) in FY 2024.¹ A 22% reduction in the Department's discretionary funding would be a loss of more than \$8 billion that is needed for the Department to accomplish its public safety and national security responsibilities.

A funding reduction of 22% in a single year would result in significant furloughs or reductions in force (RIFs) across many components.² In addition, components would need to cancel dozens of contracts (including contracts for investigative and litigation tools and technologies); freeze equipment purchases (resulting in reliance on inferior and/or obsolete equipment); eliminate operational training (which would hinder operations and employee development); and reduce operational travel (which could prolong investigations and limit Department's efficacy). All this would result in a delay of services and outcomes important to the nation and the American justice system.

The Federal Bureau of Investigation (FBI) would see an effective reduction of \$2.8 billion were a funding reduction of 22% imposed, which would negate nine years of growth in the FBI's key programs. The effect on the FBI's personnel would be the loss of roughly 11,000 positions, or 29.2% of the FBI's workforce. The FBI would be required to undertake a furlough of 60 days on a staggered basis. The lost work-years due to a hiring freeze and furloughs are the

¹ Each year, costs to sustain an agency's base functions increases. Annual cost increases are related to required pay raises, rent and utilities increases, and food and medical costs.

² Effects would be particularly significant because FY 2022 funding was essentially "flat" meaning the Department did not receive adequate funds to meet critical needs.

equivalent of the FBI shuttering 11 of its largest field offices (New York City, Washington, Los Angeles, Chicago, Miami, San Francisco, Newark, Boston, Philadelphia, Detroit, and Houston). The non-personnel costs alone, approximately \$1.0 billion of the reduction, would be the equivalent of eliminating all of the FBI's Headquarters Divisions in the Criminal Branch, Intelligence Branch, and National Security Branch combined.

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) assesses that the 22% cut will result in a hiring freeze that would mean 190 agents, 130 Industry Operations Investigators, and 180 technical and support staff would be lost to attrition. Further, ATF would have to take 36 furlough days for all of its over 5,000 employees, including agents. Such a large reduction would: reduce operational funding (mission-related activity, contracts, vehicle maintenance), normal replacement cycle activity, provision of Emergency Support Function #13 (assistance to local, state, Tribal, territorial, and Federal organizations overwhelmed by the results of an actual or anticipated natural/manmade disaster or an act of terrorism), the K-9 program; eliminate all state and local training at National Center for Explosives Training and Research; start a backlog of regulatory inspections that will take years to clear; and increase trace times by more than two months at the National Tracing Center due to reduced staff. Finally, a funding reduction of 22% would severely hamper ATF's ability to fully take advantage of the tools provided by the Bipartisan Safer Communities Act (BSCA), in addition to substantially diminishing the effectiveness of ATF's overall mission. The consequential negative effect on public safety would be that fewer ATF Special Agents would be available to assist law enforcement in communities across the country. Without appropriate funding, ATF would be unable to make critical enhancements needed to improve public safety in the fight against firearm related violent crime.

The U.S. Marshals Service's (USMS) foremost mission is to protect the federal Judicial process. Due to mandatory requirements for judicial and courthouse security, witness protection, and prisoner detention, a reduction of 22% below the FY 2023 enacted level would cause delays in the judicial system and disproportionately impact the fugitive apprehension mission and the agency's ability to remove violent offenders from the streets. With a 22% reduction, the USMS would implement a hard hiring freeze, which would result in the inability to replace an estimated 221 Deputy US Marshals (DUSMs) and 135 other employees. The USMS would also have to execute a furlough of 22 days for all employees, and conduct a RIF for 650 employees, including an estimated 214 DUSMs. The USMS would eliminate all performance awards and promotion opportunities and reduce funding to fugitive surveillance, Special Operations, judicial security, and body-worn camera programs. Finally, a 22% reduction would create an insolvency in the Federal Prisoner Detention appropriation of \$467.7 million, an amount that the Department could not legally resolve through transfers from other accounts due to limitations imposed on inter-appropriation transfers in each year's appropriations act.

On March 15, 2022, the Violence Against Women Act Reauthorization Act of 2022 (VAWA 2022) was enacted. VAWA 2022 authorized multiple new programs for the Office on Violence Against Women (OVW), three of which received their first appropriations in the FY 2023 enacted budget: the LGBT (lesbian, gay, bisexual, and transgender) Specific Services Program; the Abby Honold Act (which fund trauma-informed, victim-centered training for law enforcement); and the Tribal Reimbursement Program for Special Tribal Criminal Jurisdiction.

Funding levels of 22% below the FY 2023 enacted level means that programs newly established by VAWA 2022 would not be funded at all or funded only through reductions to existing programs. OVW also calculates that operating at the lower level would mean approximately 40 fewer awards could be made to grantees in key programs like the STOP Violence Against Women Formula Grant Program and the Sexual Assault Services Formula Grant Program that provide key services to states and to victims of sexual violence. For OVW generally, these cuts would result in fewer victims served over subsequent years, disproportionately heavy impacts on vulnerable communities, and threats to the sustainability of crucial programming that holds offenders accountable.

The impacts on other Department grantmaking would be detrimental as well. For example, if the Department's Community Oriented Policing Services (COPS) Office were to operate at a 22% below the FY 2023 enacted level, the COPS Hiring Program would be required to significantly reduce the funding it provides both as to the number of positions it supports and in the number of awards that it makes (reduction of approximately \$50 million). It would also decrease the number of law enforcement positions funded by 300 to 400 positions and only be able to support approximately 1,060 law enforcement positions. Finally, only about 200 awards would be made to support law enforcement agencies, a reduction of 60 awards from FY 2023 enacted.

Additionally, a 22% reduction could lead to significant cuts to the Office of Justice Programs (OJP). Operating at a level 22% below FY 2023 enacted levels would be a reduction of almost \$650 million to OJP's discretionary appropriations. If OJP experienced a full 22% reduction, its mission to improve the nation's capacity to prevent and reduce crime, assist victims, and enhance the rule of law by strengthening the criminal and juvenile justice systems would be drastically reduced as further described below.

- Byrne Justice Assistance Grants (JAG) Formula awards to local governments would be expected to drop by an average of \$30,000 from \$98,000 to \$68,000 and State awards could decrease on average by \$1.0 million per state from \$3.4 million to \$2.4 million. JAG is the leading source of Federal justice funding to State and local jurisdictions. A 22% cut in assistance would negatively impact a range of program areas including law enforcement, prosecution, indigent defense, courts, crime prevention and education, corrections and community corrections, as well as drug treatment and enforcement.
- Office of Juvenile Justice and Delinquency Prevention Title II Formula awards would be projected to be reduced by an average of \$294,000. This would drop the average award from \$843,000 to \$549,000. Cuts from this formula program would reduce critical support to States and localities in their efforts to reform juvenile justice and strengthen prevention, early intervention, and treatment programming for at-risk and delinquent youth. Training and technical assistance that has been shown to reduce racial and ethnic disparities among youth in juvenile justice would be curtailed.
- DNA Analysis and Capacity Enhancement for Backlog Reduction (CEBR) Program would see estimated reductions of \$205,000 per award, dropping the average award from \$775,000 to \$570,000. These reductions would negatively impact the capacity of labs across the Nation to process DNA samples that are used by law enforcement to reduce

violent crime, support prosecutors in their efforts to meet their mission, and create safer communities.

- Comprehensive Opioid, Stimulant, and Substance Use Program (COSSUP) would see a reduction of \$40.7 million, which would be the equivalent of cutting 25 awards (from 86 to 61). COSSUP's purpose is to provide financial and technical assistance to States, units of local government, and Indian tribal governments to develop, implement, or expand comprehensive efforts to identify, respond to, treat, and support those impacted by illicit opioids, stimulants and other drugs use.
- Drug Treatment Courts would see a reduction of \$19.4 million, which would be the equivalent of cutting 27 awards (from 63 to 36). These courts effectively integrate evidence-based substance use disorder treatment, random drug testing, equitable sanctions and incentives, and recovery support services in judicially supervised court settings to reduce recidivism and substance use and misuse, as well as prevent overdoses. These cuts in services to those with substance use disorders would come in the midst of our nation's current overdose crisis.
- Victims of Human Trafficking Programs would see a reduction of \$19.4 million, which would be the equivalent of cutting 26 awards (from 99 to 73). These programs are intended to improve outcomes for victims of human trafficking. These resources are a key source of funding for jurisdictions working on coordinated, multidisciplinary, approaches to serving trafficked victims.

To reach an overall budget reduction of 22% from the FY 2023 enacted level, the U.S. Attorneys' Offices (USAOs) would need to identify over \$620 million in reductions in a single year – nearly five times the cut from sequestration in FY 2013. Reductions of this magnitude will have a detrimental and lasting impact on the USAOs' ability to carry out its mission. In order to absorb this shortfall, the USAOs will not only need to implement a complete hiring freeze and the maximum 22-day furlough of the entire direct workforce of approximately 10,000 employees, but also implement a RIF of approximately 2,000 employees. The combined effect of the hiring freeze and the RIF is a 28% reduction of the workforce in a single year. In addition, non-personnel expenses would be reduced by over 30%. These reductions would severely impact the prosecutorial abilities of USAOs nationwide as well as significantly jeopardize the totality of operations, which is critical to maintaining the integrity of criminal and civil casework.

Imposing a 22% reduction would undermine efforts at Drug Enforcement Administration (DEA), Organized Crime Drug Enforcement Task Forces (OCDETF), the Criminal Division, and the Civil Division to interdict illegal commerce in opioids including fentanyl. The reduced funding level could amplify the supply of illicit drugs and cause a proliferation in the violence associated with the drug trade. The failure to fund the investigation into this criminal activity would undermine public safety throughout the country during the opioid public health emergency. DEA would need to implement rolling furloughs of all employees, including agents, for 78 days. A cut of this magnitude would mean the DEA would absorb \$620 million in reductions to base resources that would negatively affect every aspect of the DEA's global

operations and efforts to reduce drug-poisoning deaths and drug-related violence in the United States.

Funding the Department at the FY2022 enacted level would also severely undermine the Department's cybersecurity efforts, both in seeking to interdict and prosecute cybercriminals, and the Department's ability to protect its own information systems and data from unauthorized intrusion. Funding far below the current services level would negate years of investments supported by Congress for cybercrime investigative personnel, tools, and technology. Cybersecurity threats, both domestic and international, evolve continuously that include large-scale security breaches, supply chain attacks, and the rampant spread of ransomware, which underscore a transformational cyber moment. Cybercriminal technologies will continue to advance at an accelerated and unprecedented pace that's irrespective of funding reductions, and the Department's efforts to ensure the safety and security of the American public from such crimes would be severely hindered.

On August 10, 2022, the Honor Our Promise to Address Comprehensive Toxics (PACT) Act of 2022 was enacted. Under Section 804—the Camp Lejeune Justice Act (CLJA)—service members and others who were exposed to water at Camp Lejeune in North Carolina between 1953 and 1987 may file suit for injuries caused by the exposure. Given the sheer volume of cases, the complexity of this new litigation, and the fact that the Department's existing appropriated funding in FY 2023 did not contemplate this change, the Department now faces a significant challenge to ensure CLJA is implemented as intended under current funding levels. The Department has consistently explained that the currently allocated resources in FY 2023 will not meet the Civil Division's need for attorneys, support staff, and information technology resources, which are essential to effectively respond to the litigation demands that will result from the CLJA. If funding were reduced by 22% compared to FY 2003, this shortfall would increase significantly. A 22% reduction to the Civil Division would result in a 30-day furlough to all employees and the anticipated RIF of 221 employees which would eliminate 18% of the current workforce.

We are grateful to Congress for providing needed support in the recently enacted FY 2023 omnibus to ensure Department employees are able to uphold the rule of law, keep our country safe, and protect civil rights for all. We have listed only a few of the widespread effects of a 22% funding reduction to the Department. We hope this information is helpful. Please do not hesitate to contact this office if we may be of further assistance with this or any other matter.

Sincerely,

Carlos Felipe Uriarte
Assistant Attorney General