

STATEMENT OF
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ATTORNEY GENERAL

BEFORE THE
UNITED STATES SENATE
APPROPRIATIONS SUBCOMMITTEE ON COMMERCE, JUSTICE,
SCIENCE, AND RELATED AGENCIES

FOR A HEARING ON
THE FISCAL YEAR 2020
DEPARTMENT OF JUSTICE BUDGET REQUEST

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Before the Subcommittee on
Commerce, Justice, Science, and Related Agencies
Committee on Appropriations
United States Senate
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Good morning, Chairman Moran, Ranking Member Shaheen, and other distinguished Members of the Subcommittee. I am honored to appear before you today to present the President's fiscal year (FY) 2020 budget for the Department of Justice. I am joined here by the Department's Chief Financial Officer: Assistant Attorney General for Administration Lee Lofthus. Let me start by thanking you for your strong support of the Department in the recently enacted FY 2019 Omnibus Appropriations Act.

President Trump's FY 2020 Budget proposal totals \$29.2 billion for the Department of Justice to support federal law enforcement and the public safety priorities of our state, local, and tribal law enforcement partners. The request reflects a commitment to the Department's priorities of reducing violent crime, enforcing the nation's immigration laws, combating the opioid epidemic, and addressing national security threats to this great nation.

First, the Department of Justice is working hard every day to combat violent crime. Federal Bureau of Investigation (FBI) statistics show that, in 2015 and 2016, the United States experienced the largest increases in violent crime in a quarter-century.¹ The Administration has prioritized reversing that trend. In 2017 and 2018, the Department revitalized federal efforts to fight violent crime, including the launch of the enhanced Project Safe Neighborhoods (PSN) initiative, which brings together all levels of law enforcement and the communities they serve to develop effective, locally based strategies to reduce violent crime. In FY 2018, the Department prosecuted the greatest number of violent criminals in at least 25 years, thanks to the necessary resources provided by this Committee and Congress. Since 2016, violent crime has decreased.

Of course, the Department's work is not done—crime is still far too high, especially in the most vulnerable neighborhoods. We need to build on our efforts in 2019 and beyond. To that end, the FY 2020 budget allocates an additional \$137.9 million to reduce violent crime and combat transnational criminal organizations (TCOs). These resources will enable the Department to dismantle the worst criminal organizations and target the most violent offenders.

Second, the Department remains committed to enforcing and improving our immigration laws. As I've stated before, in order to ensure that our immigration system works properly, we must secure our Nation's borders, and we must ensure that our laws allow us to process, hold, and remove those who violate our immigration laws. Through the FY 2020 President's budget, the Department will continue improving its ability to enforce our immigration laws and combat illegal immigration by expanding court capacity for immigration hearings, improving efficiency in the immigration process, and removing impediments to the timely administration of justice.

¹ U.S. Dep't of Justice, Fed. Bureau of Investigations, *Crime in the United States, 2016*: Table 1 & n.6, <https://ucr.fbi.gov/crime-in-the-u.s/2016/crime-in-the-u.s.-2016/tables/table-1>; for data years prior to 1995, see U.S. Dep't of Justice, Fed. Bureau of Investigation, *UCR Data Tool*, <https://www.ucrdatatool.gov/index.cfm>.

Specifically, the budget requests an additional \$72.1 million to enhance border security and immigration enforcement. To maintain the efficacy and efficiency of immigration enforcement and adjudication programs, the Department requests \$71.1 million for 100 new immigration judges and support staff for the Executive Office for Immigration Review (EOIR). This budget request supports the Department, along with our partners at the Department of Homeland Security, in our efforts to fix our immigration system.

Third, the Department is fighting hard against the scourge of illegal drugs, and in particular the opioid crisis. The United States is in the midst of the deadliest drug epidemic in American history. According to the Centers for Disease Control and Prevention (CDC), more than 70,200 Americans died from drug overdoses in 2017, a 10 percent increase from the previous year.² The President declared a National Public Health Emergency in October 2017, and the Department remains committed to doing its part to protect the American people from the impact of drugs and drug-related crimes nationwide. In 2018, the Department charged 7,000 defendants with offenses involving fentanyl, heroin, or opioids; that is a Department record, and we are on track to break it this year. But despite these record efforts, overdose deaths remain far too high.

The Department must redouble its efforts to combat this crisis. The budget includes \$295 million to enable the Department to target the organizations responsible for the opioid epidemic and drug-related violence in our communities. It also bolsters the capacity of Department agents to deny revenues to drug traffickers using the best cyber capabilities and technologies, enabling the Department to keep pace with these nefarious actors.

Fourth, the Department is pursuing several programs—both old and new—to protect national security. These include protecting American elections from foreign interference, combating and preventing cyber attacks, and fighting terrorism both at home and abroad. The budget dedicates \$132 million in program enhancements to address constantly evolving national security threats, including the areas of cyber, counterterrorism, and counterintelligence.

Our DOJ team, along with our federal, state, local, and tribal partners, has been working diligently to address these issues each and every day. The budget request supports many other key programs, for example, by prioritizing public safety at the state, local, and tribal levels through approximately \$4.3 billion in discretionary and mandatory funding and by securing funds to help the victims of crime. In line with the President's priorities and Congress's shared commitment to protecting the public fisc, our proposal also includes restructuring initiatives that are designed to reduce both bureaucracy and costs to the American taxpayer.

Let me say clearly, Mr. Chairman, you and this Committee have been strongly supportive. We are determined to use every dollar you have provided to us to achieve the maximum benefit in our efforts to fight crime and protect the American people. I would now like to tell you more about how our budget proposal furthers the priorities that I have just outlined.

² Hedegaard H. Drug Overdose Deaths in the United States, 1999-2017. NCHS Data Brief, no 329. Hyattsville, MD: National Center for Health Statistics. 2019. Available from: http://www.cdc.gov/nchs/data/databriefs/db329_tables-508.pdf.

Combating Violent Crime

Protecting the American people from violent crime is a top priority for the Department of Justice. In 2015 and 2016, violent crime increased by nearly 7 percent. Robberies, assaults, and rapes all increased, and murder increased by a shocking 20 percent.

As a result of the Department's efforts, violent crime has decreased nationwide since 2016.³ A key part of this success has been the revitalization of Project Safe Neighborhoods that I mentioned above. We are requesting a total of \$100 million for this important program. Under this program, grants are awarded to local law enforcement agencies, outreach and prevention service providers, and researchers to support activities implementing local PSN anti-violence strategies across the country.

The FY 2020 budget requests a total of \$137.9 million in program enhancements to reduce violent crime and combat TCOs. This includes funding for the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN). The funds will allow ATF to expand the National Correlation and Tracing Center (NNCTC) services to an additional five sites in FY 2020, support additional training, increase the capacity of ballistic imaging and correlation hardware and software, and provide necessary infrastructure for further expansion of services to NIBIN sites. This will bring NIBIN to approximately 200 sites by the end of FY 2020. The Department is also requesting \$4.2 million to enable the FBI to increase their capacity to perform Criminal Background Check System (NICS) background checks for firearms purchases.

To ensure this continued decrease in crime, the Department is requesting \$5.8 million to enhance violent crime and firearms prosecutions by United States Attorneys' Offices. This request will give our United States Attorneys the support they need to prosecute complex criminal cases.

The request also provides \$18.2 million for the FBI to counter the ever-evolving threat posed by TCOs. This enhancement will support the FBI's Joint Criminal Opioid Darknet Enforcement (J-CODE) initiative to disrupt and dismantle the Darknet illicit marketplaces facilitating the distribution of fentanyl and other opioids. This critical initiative brings together agents, analysts, federal, state, local, and tribal law enforcement with expertise in drugs, gangs, and health care fraud from across the U.S. Government to target the trafficking of fentanyl and other opioids on the Darknet.

Understanding the need to address violent crime at our borders with our state and local partners, the Department is requesting \$6 million for a new grant program in the Office of Justice Programs (OJP): the Southwest Border Rural Law Enforcement Violent Crime Reduction Initiative. This program will empower rural law enforcement agencies by providing training, technical assistance, and resources to interdict drug and human traffickers who are exploiting the corridors into our country.

³ U.S. Dep't of Justice, Fed. Bureau of Investigation, *Crime in the United States, 2016*: Table 1 & n.6, <https://ucr.fbi.gov/crime-in-the-u.s./2017/crime-in-the-u.s.-2017/topic-pages/violent-crime>

Enforcing Immigration Laws

Enforcement of the Nation's immigration laws also remains a vital mission of the Department. As I have said many times, the United States has some of the world's most liberal and expansive immigration laws, and we aim to admit visitors and immigrants equitably from all around the globe. But the integrity and fairness of our immigration system depends on robust enforcement against those who flout or circumvent our laws. To safeguard our borders and ensure due process, the Department is requesting an additional \$72.1 million for immigration enforcement.

This request includes funding for 100 new immigration judges, which will bring EOIR's authorized immigration judge level to 634 by the end of FY 2020 – a 31 percent increase since FY 2018. The Department believes that these new immigration judges are necessary to provide some relief from a critical backlog in the immigration courts. At the end of the first quarter of FY 2019, there were over 820,000 cases pending in immigration courts nationwide. That caseload is by far the largest-ever pending caseload before the Department, marking the 12th consecutive year of increased backlogs. The 100 new immigration judges will help us to reverse that trend—but it is important to note that the continued influx of cases originating from the border constrains our ability to manage the backlog of cases, and other reforms are necessary.

The request also includes an increase of roughly \$1 million for the Department's Environment and Natural Resources Division (ENRD) to support their Land Acquisition Section. The President has prioritized efforts to build and maintain physical barriers at the Southern Border. The Land Acquisition Section is responsible for assisting DHS and other federal partners in acquiring real property for border security projects. These funds will allow ENRD to commit 6 more attorneys to these efforts.

Combating the Opioid Epidemic

Overdose deaths—and in particular, deaths from opioid overdoses—remain a public health crisis, and trafficking of illegal drugs is closely tied to the ongoing problems of violent crime and border security. The Department of Justice has been working hard to fight drug trafficking and diversion, but much, much more remains to be done. That is why the Department is requesting an additional \$295 million to combat the opioid crisis and bolster drug enforcement efforts.

The Department's approach to combating the opioid epidemic includes a request for \$11.1 million to fund five new heroin enforcement groups that will be deployed to Drug Enforcement Administration (DEA) Field Divisions that have identified heroin as the first- or second-greatest threat to their area. These resources will also allow for more agents at DEA Field Divisions to target the Mexican TCOs that pose the greatest drug threat to the United States. An additional \$1.65 million will go to support DEA's flagship Sensitive Investigative Unit (SIU) Program to combat highly sophisticated TCOs known for supplying illicit substances to distributors and users in the United States. The Organized Crime Drug Enforcement Task Forces (OCDETF) Program has requested \$2 million in operational funds to support the ongoing and rapidly expanding National Opioid Initiative. This will support the hundreds of federal agents and prosecutors who are handling the expansion of opioid investigations.

Further, DEA manages or participates in Translation and Transcription Support Services, known as Judicial Wire Intercept Programs (JWIP), in approximately 20 countries. An additional \$10 million in funding will go to support the consolidation of nine core legacy judicial wire intercept systems into one new judicial wire intercept platform in Colombia. In addition, DEA requests \$11.7 million to invest in its cyber investigation capabilities. With these funds, DEA intends to place technical specialists in each of DEA's 23 field offices to assist agents in cyber-specific cases.

Finally, the President's Budget proposes to permanently transfer management of the \$254 million High Intensity Drug Trafficking Areas (HIDTA) Program from the Office of National Drug Control Policy (ONDCP) to DEA to facilitate stronger coordination with other drug enforcement assets. Transferring the HIDTA grants to DEA will enable the agency to focus on combating drug trafficking in areas where the threat is the greatest and where there is a coordinated law enforcement presence.

National Security

National Security remains among the Department's top priorities. Threats are constantly evolving, requiring additional investments to mitigate these threats. Therefore, the Department's FY 2020 budget includes a request of \$132 million in program enhancements focused on cyber, counterterrorism, and counterintelligence. It also reflects an increased role for the U.S. Marshals Service (USMS) in dignitary protection to promote government-wide efficiency.

Election security is a key issue for the Department. Working together with our partners in the federal government, I will build on the work already done by the Department in this area and ensure that the full might of our resources are brought to bear against foreign persons who unlawfully interfere in our elections. I believe that our country must respond to any foreign interference with the strongest measures, and we must work with partners at the state level to ensure that our election infrastructure is completely protected.

Similarly, we must protect Americans against cyber attacks, whether foreign or domestic. The Department requests an additional \$70.5 million to enhance the FBI's cyber information-sharing abilities and cyber tools and capabilities. The FBI's multi-pronged cyber enterprise strategy uses predictive means and investigative partnerships to impose consequences against cyber adversaries who target U.S. interests. Additionally, to protect high-value assets and information in the Department's data centers, DOJ must improve security monitoring at all levels. As such, the Department requests \$2 million to extend its detection and response capabilities beyond the on-premises network to the places where our data resides.

In our efforts to combat terrorism, the Department is requesting \$16.6 million for the National Vetting Center (NVC). This request will provide for the vetting of people seeking to enter or remain within the United States. The NVC will increase the government's ability to identify terrorists, criminals, and other nefarious actors. These resources will help enable the NVC to provide timely information regarding the risk an individual poses. Furthermore, the Department requests \$17.1 million to enhance the FBI's capability to respond to threats posed by

chemical, biological, radiological, or nuclear devices found within the United States and its territories.

In addition, the Department is requesting \$18.3 million for the FBI to address counterintelligence threats, particularly those from hostile foreign intelligence agencies and other non-state and criminal adversaries employing advanced cyber-based attacks. These resources will allow the Department to combat these growing and serious threats by bolstering cyber investigative and collaborative capabilities and capacities. The request will also assist the FBI in providing support to the Committee on Foreign Investment in the United States (CFIUS), which reviews foreign acquisitions of domestic entities that might affect national security. Additionally, the Department is requesting \$5 million to support efforts of the National Security Division (NSD) to prevent foreign intelligence services from accessing sensitive information and technology. The request will support NSD's review, mitigation, and monitoring of foreign investments in the United States for national security risks including filings on behalf of CFIUS. The Department also requests \$1.4 million to support NSD's growing mission of protecting national assets against cyber threats, including thwarting efforts by terrorists and nation states to infiltrate our critical infrastructure and combating economic espionage.

In an effort to improve services and to save taxpayer money in the long run, the Department is requesting \$1 million for the Protective Detail Consolidation evaluation. The USMS will evaluate protection requirements for civilian Cabinet and sub-Cabinet level officials in support of the President's 2018 Government Reform and Reorganization Plan. The USMS will coordinate with Executive Branch agencies to assess existing agency protective plans, develop standards and best practices for protective detail staffing and evaluation, and prepare a range of policy options to promote standardization and effective monitoring, assessment, and response to potential threats.

State, Local, and Tribal Assistance

The Department supports its partners in state, local, and tribal law enforcement, whose actions are crucial in the fight against violent crime and the opioid epidemic. The FY 2020 budget continues that commitment to state, local, and tribal public safety officials by investing approximately \$4.3 billion in discretionary and mandatory funding in programs to assist them. This includes \$405.2 million in total funding for the Edward Byrne Memorial Justice Assistance Grant Program (Byrne JAG). This funding is the primary source of flexible funding for state, local, and tribal jurisdictions across all components of the criminal justice system. Byrne JAG funding is used to address critical gaps in their criminal justice systems in order to increase public safety and prevent crime. In 2020, Byrne JAG will also fund other important officer safety programs serving state, local, and tribal law enforcement, including \$22.5 million for the Bulletproof Vest Program, \$22.5 million for the Body Worn Cameras Program, \$3.6 million for the National Missing and Unidentified Persons System (NamUs), and \$15 million for the Valor Initiative. Two additional set-asides include \$5 million for the Public Safety Partnership (PSP) Program, which leverages DOJ resources to reduce violence in cities with the highest violent crime rates, and \$6 million for the Southwest Border Law Enforcement Violent Crime Initiative, which I discussed previously. Finally, our budget request includes \$330 million for programs authorized by the Comprehensive Addiction and Recovery Act of 2016.

In December, Congress passed and the President signed the First Step Act of 2018, which seeks to reduce recidivism, refine sentencing laws, and eliminate disproportionate penalties for certain crimes. I intend to robustly fund and diligently implement this bill at the Department. The Act directs the National Institute of Justice (NIJ) to evaluate Second Chance Act programs no later than five years after its enactment. Therefore, the FY 2020 Budget requests \$1.5 million for NIJ to support the first phase of this evaluation, which will focus on identifying appropriate outcome measures for Second Chance Act programs. In addition, related to the First Step Act, the Federal Bureau of Prisons (BOP) is requesting \$14 million to incentivize the development of innovative pilot projects in reentry and recidivism-reduction approaches. BOP is also requesting \$1 million to expand the availability of medication-assisted treatment for inmates with opioid abuse disorders and to enable more inmates to get treatment.

We can never forget that crime statistics represent crime victims whose lives have been changed by criminal acts. In recognition of National Crime Victims' Rights Week, the Department renews its commitment to strive for justice and to connect these survivors with vital services as they heal. The President's budget includes \$2.3 billion from the Crime Victims Fund to assist victims and survivors of crime, to build capacity to enhance response to crime victims' needs, and to increase offender accountability. Of this total, \$115 million will be devoted to improving services and justice for tribal victims of crime, as the violent crime rate in Indian Country remains extraordinarily high.

In addition, the budget includes \$77 million in discretionary funding for grants to support human trafficking victims and those providing direct services for survivors and improving the community response to victims through outreach, training, and technical assistance.

Restructuring Initiatives

The Administration is committed to establishing a leaner, more productive federal government that reduces both bureaucracy and costs to the American taxpayer. Since 2017, the Department of Justice has undertaken efforts to refocus resources and return our efforts to our core mission. To support the President's Executive Order on Reorganizing the Executive Branch, the Department of Justice has begun taking steps to streamline and improve its good stewardship of taxpayers' dollars. As part of the FY 2020 President's Budget, the Department is proposing a number of initiatives to achieve savings, reduce the size of government, and maximize agency performance. Highlights of the restructuring initiatives include:

- The FY 2020 budget proposes legislation that will move the responsibilities related to alcohol and tobacco enforcement from ATF to the Department of Treasury's Alcohol and Tobacco Tax and Trade Bureau. ATF will retain its current enforcement responsibilities for firearms and explosives. The transfer of the alcohol and tobacco authorities will allow ATF to devote additional resources to its primary mission of combating violent crime through initiatives such as its highly effective NIBIN and Crime Gun Intelligence Centers.
- The Department proposes to improve our service to our state, local, and tribal partners and our grant programs in a variety of ways. The Department is developing one grants-management system to streamline and improve the grants process. The request also

consolidates the Office of Community Oriented Policing Services (COPS) within OJP. The budget also proposes to transfer activities of the National Institute of Corrections from the BOP to OJP. This will help to consolidate the Department's state and local corrections research and evaluation programs and better align efforts to assist state, local, and tribal corrections professionals with OJP grant programs.

- The budget also proposes to transfer the functions of the Community Relations Service to the Civil Rights Division, allowing to the Department to perform its community mediation work in a more centralized manner and at a greater savings to the taxpayer.
- As previously noted, the budget proposes to transfer the HIDTA grant program from ONDCP to DEA. This change will eliminate redundancies within federal organizations by moving this program, which supports states and communities fighting the scourge of illegal drugs, into the same agency leading the enforcement efforts in those communities.

Chairman Moran and Ranking Member Shaheen, it is my pleasure to highlight our efforts to be good stewards of the resources and authorities bestowed on us as we strengthen the Department's ability to ensure safety, equality, and justice for all Americans. As Attorney General, I am committed to making the Department of Justice run as efficiently and effectively as possible, without adding to the burden on the American taxpayer. I thank you for your past support of the Department's financial needs, and for the opportunity to present our FY 2020 budget request. I look forward to working with you through the upcoming fiscal year to ensure that the Department of Justice remains on solid financial footing and can accomplish its multiple and varied missions effectively. I look forward to your questions. Thank you.