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ONE HUNDRED TWELFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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March 9, 2012

The Honorable Paul Ryan
Chairman
Committee on the Budget
207 Cannon House Office Building
Washington, D.C. 20515

The Honorable Chris Van Hollen
Ranking Member
Committee on the Budget
B71 Cannon House Office Building
Washington, D.C. 20515

Dear Chairman Ryan and Ranking Member Van Hollen,

Pursuant to section 301(d) of the Congressional Budget Act of 1974 (2 U.S.C. § 632(d)) and House Rule X, clause 4(f)(1), we are submitting the views and estimates of the Committee on the Judiciary on the President's budget proposal for Fiscal Year 2013. These views and estimates encompass a broad range of programs within the Judiciary Committee's jurisdiction. We hope that they provide valuable guidance to your Committee as you prepare the budget resolution. We note that, while this document reflects the bipartisan view of the Members of this Committee, some Members may have individual views that are not reflected in this document. Please feel free to contact us or our staffs should you have any questions or concerns.

Sincerely,



Lamar Smith
Chairman



John Conyers, Jr.
Ranking Member

Enclosure

COMMITTEE ON THE JUDICIARY VIEWS AND ESTIMATES FOR FISCAL YEAR 2013

The following presents the views and estimates of the Committee on the Judiciary regarding the President's fiscal year 2013 budget request on matters within the Committee's Rule X jurisdiction.

The Committee recognizes that the Federal government currently faces significant budgetary constraints that will require federal departments and agencies to meet their respective missions and perform their functions while receiving fewer resources. The departments and agencies that fall within the Committee's jurisdiction serve a unique function in that they are among the few departments and agencies that perform functions specifically called for in the U.S. Constitution. Their related expenditures should be assessed in light of the core functions and responsibilities of the Federal government as defined by the U.S. Constitution.

The departments and agencies within the Committee's jurisdiction have made various spending reduction proposals. The Committee will assess those proposals, but the Committee will not support reductions that would put national security or public safety at risk.

MANDATORY SPENDING

FEDERAL JUDICIARY

The Federal Judiciary is comprised of the U.S. Supreme Court and the lower federal courts. Combined, they adjudicate criminal and civil disputes and carry out other constitutional and congressionally allotted responsibilities.

The Committee recognizes the Judiciary's essential role in providing justice to all citizens and the workload and additional responsibilities thrust upon the Judiciary, particularly in response to enhanced immigration enforcement and other law enforcement initiatives and the near record bankruptcy filings. The Committee understands that while the Judiciary has no control over the number of cases that are filed in the Courts, it must handle each case filed and has little flexibility in how quickly it must handle many of these cases. The Judiciary's workload is heavily influenced by national policies initiated in the Executive and Legislative Branches.

The submission for FY 2013 includes funding for the following institutions and programs: the U.S. Supreme Court; the U.S. Court of Appeals for the Federal Circuit; the U.S. Court of International Trade; the (regional) courts of appeals, district courts, and other judicial services; defender services; fees of jurors; court security; the Administrative Office of the U.S. Courts; the Federal Judicial Center; judicial retirement funds; and the U.S. Sentencing Commission. The Committee supports an FY 2013 funding level of \$7.189 billion or, if less, at a level necessary for the Federal Judiciary to complete its mission.

The submission for FY 2013 represents a 3.1% increase over the FY 2012 enacted level. This reflects the Judiciary's smallest requested percentage increase on record. It follows a 2012 enacted appropriation level that essentially funds the bulk of federal court operations at slightly above a hard freeze. As a result of FY 2012 funding levels, and out of concern for FY 2013, the courts have already downsized by nearly 1,100 people since July 2011. The Judiciary's FY 2013 request does not seek new court support staff to address all of its workload needs, or new staff to replace the ones expected to be lost this fiscal year due to funding constraints. The request merely maintains the FY 2012 funded staffing level in FY 2013. At the requested level, despite a steady increase in caseload over the past several years, clerks and probation and pretrial services offices will be operating with fewer staff than were on board in FY 2011.

DISCRETIONARY SPENDING

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

The Administrative Conference of the United States ("ACUS") is an independent, nonpartisan agency that was created to analyze the Federal administrative law process and to provide Congress, the President, the Judicial Conference of the United States, and Federal agencies with recommendations and guidance. On July 19, 2011, the Committee ordered reported with an amendment H.R. 2480, authorizing appropriations for ACUS of not more than \$2.9 million for FYs 2012, 2013 and 2014. H.R. 2480 passed the House on August 1 and was ordered reported with an amendment by the Senate Judiciary Committee on September 22; it remains on the Senate Legislative Calendar.

The President's FY 2013 budget requests \$3.2 million for ACUS. Recognizing current budgetary constraints and ACUS's mission to identify agency cost-saving measures, the Committee supports funding ACUS at a level necessary to accomplish its mission, but not more than \$2.9 million.

ANTITRUST DIVISION (DOJ)

The Administration has requested \$164.753 million for the Antitrust Division in FY 2013, an increase of \$5.166 million from FY 2012 funding levels. Mandatory pre-merger filing fees paid by companies planning to merge are typically used to offset a majority of the Antitrust Division's funding. The Antitrust Division estimates receipt of \$117.5 million in filing fees in FY 2013. As a result of this fee collection, the Antitrust Division's budget request anticipates an estimated final FY 2013 appropriation from the general fund of \$47.253 million.

The Committee supports funding the Antitrust Division at levels necessary to accomplish its various missions.

EXECUTIVE OFFICE FOR U.S. ATTORNEYS (DOJ)

There are 94 U.S. Attorneys located throughout the United States, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico and the Virgin Islands. The U.S. Attorneys who lead each office are the chief law enforcement representatives of the Attorney General. Each enforces Federal criminal law, handles most of the civil litigation in which the United States is involved, and initiates proceedings for the collection of fines, penalties, and forfeitures owed to the United States. For FY 2013, the U.S. Attorneys will continue to investigate and prosecute the diverse workload of criminal cases brought by the Federal Government and will continue to initiate civil actions to assert and protect the interests of the United States.

The FY 2013 Presidential Budget request proposes \$1.974 billion for necessary expenses which is \$14.4 million over the FY 2012 enacted level. This request includes 185 new positions, including 115 attorneys, over the FY 2012 enacted level of 10,629 direct authorized positions. Recognizing current budgetary constraints, the Committee supports funding EOUSA at levels that will allow it to accomplish its mission.

GENERAL LEGAL ACTIVITIES (DOJ)

Office of the Solicitor General

The Office of the Solicitor General supervises and processes all appellate matters and represents the United States and federal agencies in the Supreme Court. The FY 2013 Presidential Budget Request proposes \$10.805 million for the Office of the Solicitor General. This represents a net increase of \$81,000 over FY 2012 appropriations as enacted. This increase is the sum of increases of \$312,000 in Adjustment to Base (ATB) transfers, pay and benefits, and rent and facilities expenses, and a savings of \$231,000 from consolidation of administrative functions. The Committee considers the work of the Solicitor General an important element of the role played by the Department of Justice. Recognizing current budgetary constraints, the Committee supports funding the Solicitor General's office at a level necessary to accomplish its mission.

Civil Division

The Civil Division represents the United States, its departments and agencies, Members of Congress, Cabinet officers, and other Federal employees in litigation in Federal and State courts. Its litigation reflects the diversity of government activities, involving, for example: False Claims Act litigation to protect the federal fisc; defense of challenges to Executive Branch actions; national security issues; commercial issues such as contract disputes, banking insurance, patents, fraud and debt collection; all manner of accident and liability claims; benefit programs; certain immigration matters; and certain violations of consumer protection laws. Each year, Division attorneys handle thousands of cases that collectively involve billions of dollars in claims and recoveries. The Division manages litigation over significant policy issues that often

rise to constitutional dimensions in defending and enforcing various Federal programs and actions.

For FY 2013, the Administration requests \$298.040 million for the Civil Division. This represents a net increase of \$14.937 million over FY 2012 appropriations as enacted. This increase is the sum of increases of \$8.199 million in ATB transfers, pay and benefits, and rent and facilities expenses, \$7 million in new Full-Time Equivalent work years (FTEs) for financial and mortgage fraud matters, and savings of \$262,000 in information technology and \$33,000 in foreign expenses. The Administration's request also includes five positions and \$1 million in supplemental annualization funds for litigation related to the Deepwater Horizon oil spill. The Committee considers the work of the Civil Division important to the mission of the Department of Justice. Recognizing current budgetary constraints, the Committee supports funding the Civil Division at a level necessary to accomplish its mission.

Environment and Natural Resources Division

The Environment and Natural Resources Division (ENRD) of the Department of Justice enforces the Nation's civil and criminal environmental laws; defends environmental challenges to federal laws and actions; and performs a variety of other important legal activities related to the environment and our nation's natural resources. Its activities include, for example, litigation concerning the Clean Air Act; the Clean Water Act; the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund); defense against environmental challenges to Federal programs and activities; the protection, use, and development of national natural resources and public lands; the Endangered Species Act; Indian rights and claims; and the acquisition of private property for Federal use.

The President's budget for FY 2013 requests \$110.360 million for ENRD. This represents a net increase of \$2.351 million over FY 2012 appropriations as enacted. This increase is the sum of increases of \$2.435 million in ATB transfers, pay and benefits, and rent and facilities expenses, and savings of \$84,000 in information technology. Increases requested include a \$795,000 adjustment to base funding for litigation related to the Deepwater Horizon oil spill. This adjustment is requested to provide permanent base funding for ENRD. Recognizing current budgetary constraints, the Committee supports funding ENRD at a level necessary to accomplish its mission.

Civil Rights Division

The Civil Rights Division of the Department of Justice is responsible for enforcing Federal statutes guaranteeing every American's civil rights and prohibiting discrimination on the basis of race, sex, disability, religion, and national origin. The Division enforces Federal laws that protect every Americans' civil rights and freedom from discrimination in education, employment, credit, housing, certain federally funded and conducted programs, and voting.

The Division has eleven sections: Appellate, Coordination and Review, Criminal, Disability Rights, Educational Opportunities, Employment Litigation, Housing and Civil

Enforcement, Office of Special Counsel for Immigration Related Unfair Employment Practices, Special Litigation, Administrative Management, and Voting.

The Administration has requested \$153.341 million for the Civil Rights Division in FY 2013, an increase of \$8.841 million over FY 2012 levels.

The Administration is requesting additional resources of 50 positions, including 25 attorney positions, to pursue certain civil rights enforcement priorities identified by the Attorney General. There is disagreement on the Committee as to whether the need for this increase has been adequately demonstrated considering current budgetary constraints.

Recognizing current budgetary constraints, the Committee supports funding the Civil Rights Division at a level necessary to accomplish its various missions.

Criminal Division

The Criminal Division of the Department of Justice is responsible for supervising the application of all federal criminal laws except those specifically assigned to other divisions. Its mission is to identify and respond to critical and emerging national and international criminal threats, and to lead the enforcement, regulatory, and intelligence communities in a coordinated, nationwide response to reduce those threats. The Division provides expert guidance and advice to U.S. Attorneys and other federal, state, and local prosecutors and investigative agencies, as well as foreign criminal justice systems. It also oversees the use of the most sophisticated investigative tools available to federal law enforcement, including all federal electronic surveillance requests in criminal cases, and secures the return of fugitives and other assistance from foreign countries.

The Criminal Division requests a total of 792 permanent positions, 768 direct FTEs, and \$185.473 million in its Salaries and Expenses appropriation for FY 2013. The Division's request will maintain the current level of services while providing funding for necessary resources to expand financial fraud enforcement and combating computer crimes and intellectual property crimes internationally. The emphasis placed on these areas of this request is consistent with the Department's Strategic Goals One and Two in its Strategic Plan, Fiscal Years 2012 – 2016. The FY 2013 budget request is a 6.6% increase over the FY 2012 enacted.

In addition to other initiatives, the Criminal Division will use its resources to prosecute the most significant financial crimes, including mortgage fraud, corporate fraud, and sophisticated investment fraud, coordinate multi-district financial crime cases, and assist U.S. Attorneys Offices (USAOs) in financial crime cases with significant money laundering and asset forfeiture components.

The Committee supports funding the Criminal Division at a level necessary to accomplish its various missions.

Tax Division

The Tax Division of the Department of Justice represents the United States in virtually all litigation arising under the internal revenue laws. This work includes both a civil component as well as assistance to U.S. Attorneys in prosecuting criminal tax violations. In addition, the Division's attorneys lend their financial crimes expertise to the enforcement of other laws with financial aspects.

The President requests \$106.459 million for the Tax Division for FY 2013, an increase of \$1.582 million over its FY 2012 enacted funding level. Recognizing current budgetary constraints, the Committee supports funding the Tax Division at levels necessary to accomplish its mission, but notes that every additional dollar provided to the Tax Division will result in many additional dollars being recovered for the Treasury.

U.S. National Central Bureau (INTERPOL Washington)

The U.S. National Central Bureau (INTERPOL Washington) facilitates cooperation and information sharing among police agencies in different countries. It is the link between more than 18,000 Federal, state, and local law enforcement authorities and the 187 other member countries for INTERPOL-related matters. The main goals of INTERPOL Washington are facilitating international law enforcement cooperation; transmitting information of a criminal justice, humanitarian or other law enforcement related nature between law enforcement agencies; responding to law enforcement requests; coordinating and integrating information for investigations of an international nature, and identifying patterns and trends in criminal activities. INTERPOL Washington also actively screens all inbound international flights for passports that are reported as lost or stolen to INTERPOL and generates over 200 hits monthly that require human analysis.

The President's FY 2013 budget requests \$31.489 million for INTERPOL Washington, reflecting an increase of \$1.735 million over its FY 2012 enacted funding level. The Committee supports INTERPOL Washington's continued efforts to enhance information sharing amongst international police authorities. Recognizing current budgetary constraints, the Committee supports funding INTERPOL Washington at a level allowing it to achieve its mission.

U.S. TRUSTEE PROGRAM (DOJ)

The U.S. Trustee Program is charged with supervising the administration of bankruptcy cases and trustees. Its mission is to protect and preserve the integrity of the U.S. bankruptcy system by regulating the conduct of parties, ensuring compliance with applicable laws and procedures, bringing civil actions to address bankruptcy abuse, securing the just and efficient resolution of bankruptcy cases, and referring bankruptcy crimes for prosecution. The Program is self-funded through user fees paid by participants in the bankruptcy system. The Program's appropriation is offset by fees it collects during the fiscal year. These monies are paid into the U.S. Trustee System Fund. Approximately 58% of the Program's funding is subsidized by quarterly fees paid by Chapter 11 debtors. The remaining funding is derived from a portion of

filing fees paid to commence bankruptcy cases, interest earnings, and other miscellaneous revenues.

The President requests \$227.4 million for FY 2013 for the U.S. Trustee Program, which represents a \$4.1 million increase over FY 2012 enacted appropriations. Recognizing current budgetary constraints, the Committee supports funding the U.S. Trustee Program at a level necessary to accomplish its mission.

OFFICE OF THE INSPECTOR GENERAL (DOJ)

The Office of the Inspector General (OIG) is an independent office within the Justice Department that is charged with conducting investigations, audits, inspections, and special reviews of Justice Department personnel and programs to detect and deter waste, fraud, abuse, and misconduct, and to promote integrity, economy, efficiency, and effectiveness in Department operations.

The FY 2013 budget request for the OIG totals \$85.985 million, which is a 2.1% increase over the FY 2012 enacted level. The Committee supports the work of the OIG. The Committee supports funding OIG at a level that will allow it to accomplish its mission.

NATIONAL SECURITY DIVISION (DOJ)

The National Security Division (NSD) was authorized by Congress in the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177), which was enacted in 2006. The NSD consists of the elements of the Department of Justice (other than the Federal Bureau of Investigation) engaged primarily in support of the intelligence and intelligence-related activities of the United States Government, including: (1) the Assistant Attorney General for National Security, (2) the Office of Intelligence Policy and Review, (3) the counterterrorism section, (4) the counterespionage section, and (5) any other office designated by the Attorney General.

For FY 2013, the President requests for NSD a total of 359 positions (including 236 attorneys) and \$90.039 million. This is a 3.5% increase over the FY 2012 enacted level. This request includes a total program change of \$3.039 million, 0 positions, and 6 FTE. The NSD's total request for FY 2013 will sustain the Division's responsibility for Goal One of the Department of Justice's Strategic Plan: Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law. The NSD is not requesting any enhancements for information technology (IT), although this request does include base resources of \$12.444 million, 9 positions, and 9 FTE to maintain existing IT activities. Also included is a decrease of \$192,000 due to the Department's initiative to create cost savings through increased component collaboration on IT contracting.

The Committee agrees that the National Security Division's workload, including demands brought about by recent national security threats and their expanded oversight

responsibilities, has created challenges for maintaining adequate attorney and support personnel staffing. The Committee supports funding the National Security Division at levels necessary to carry out its mission.

COMMUNITY RELATIONS SERVICE

The Community Relations Service assists State and local governments in quelling conflict arising from differences of race, color, and national origin, and to prevent and respond to alleged violent hate crimes committed on the basis of actual or perceived race, color, national origin, gender, gender identity, sexual orientation, religion or disability. No programs within the Community Relations Service have been subject to the Program Assessment review.

The President has requested \$12.036 million for the Community Relations Service in FY 2013, an increase of \$580,000 from FY 2012 funding levels. The Administration is requesting the creation of 5 new positions in the Community Relations Service. The Service indicates that this increase is needed to meet the expanded jurisdiction created by the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (P.L. 111-84, 2009). Enforcement of this law was also within the Community Relations Service's jurisdiction in FY 2010, FY2011 and FY 2012.

Recognizing current budgetary constraints, the Committee supports funding the Community relations Service at levels necessary to continue performing its mission.

FEDERAL BUREAU OF INVESTIGATION (DOJ)

The Federal Bureau of Investigation (FBI) is the Nation's largest federal law enforcement agency, charged with investigating terrorism, cybercrimes, public corruption, white collar crime, organized crime, civil rights violations, and other federal offenses.

For FY 2013, the President requests \$8.232 billion, which is a 1.4% increase over the FY 2012 enacted level. However, the FBI Salaries and Expenses funding includes a rescission of \$162.2 million, and net funding levels are reduced by .6% from FY 2012. The FBI is requesting a total of \$81 million for physical infrastructure and other construction initiatives. This reflects the recurrence of base funding for Sensitive Compartmented Information Facilities (SCIF) and Secure Work Environments (SWE) and FBI Academy renovations.

The requested funding will also increase the FBI's capacity to investigate financial fraud and mortgage fraud schemes.

The Committee recommends the FBI be funded at a level necessary to achieve its important objectives.

U.S. MARSHALS SERVICE (DOJ)

The U.S. Marshals Service (USMS) administers the Asset Forfeiture Program of the Justice Department; conducts investigations involving escaped federal prisoners and other fugitives; ensures safety at judicial proceedings; assumes custody of individuals arrested by all federal agencies; houses and transports prisoners; and manages the Witness Security Program.

The FY 2013 budget request for USMS totals \$2.882 billion, which is a 142.4% increase over the FY 2012 enacted level. This increase is the result of the proposed realignment of federal detention funding under USMS, which will increase USMS' total budget authority by \$1.693 billion. The request includes \$1.203 billion for Salaries and Expenses, \$10 million for Construction and \$1.668 billion for Federal Prisoner Detention (FPD). A rescission of \$14.4 million in prior year balances is also proposed.

The Department proposes merging the Office of the Federal Detention Trustee with the USMS. This will allow for efficiencies in human and physical capital, while maintaining the functions and expertise in detention management that have been developed over the past decade. The FPD appropriation will fund the housing, transportation, medical care, and medical guard services for federal detainees remanded to USMS custody. The FY 2013 request reflects increasing costs of detention and a growing detention population.

The Committee supports funding for the USMS at levels necessary to accomplish its various missions.

OFFICE OF THE FEDERAL DETENTION TRUSTEE

The mission of the Office of the Federal Detention Trustee (OFDT) is to manage and regulate the federal detention programs and the Justice Prisoner and Alien Transportation System. OFDT coordinates detention strategies and policy with the USMS, the BOP and the Department of Homeland Security's Immigration and Customs Enforcement and is led by the Federal Detention Trustee who is appointed by the Attorney General. The FY 2013 Budget proposes to merge the Office of the Federal Detention Trustee with the U.S. Marshals Service. The costs associated with the care of Federal detainees are proposed to be funded through the U.S. Marshals Service—Federal Prisoner Detention appropriation.

ASSETS FORFEITURE FUND

The Assets Forfeiture Fund (AFF) was established pursuant to the Comprehensive Crime Control Act of 1984. The USMS administers the program by managing and disposing of properties seized by and forfeited to federal law enforcement agencies and U.S. Attorneys nationwide. AFF is used to receive the proceeds of forfeiture and to pay the costs associated with forfeitures, including the costs of managing and disposing of property, satisfying valid liens, mortgages, and other innocent owner claims, and costs associated with accomplishing the legal forfeiture of the property. The Attorney General is authorized to use AFF to pay such necessary

expenses associated with forfeitures. The Fund may also be used to finance certain general investigative expenses, as enumerated in 28 U.S.C. § 524(c). All AFF funding is provided through forfeiture activities. \$20.9 million of these funds are scored as discretionary and may be used for non-forfeiture related activities. Current FY 2013 estimates for AFF mandatory expenses are \$2.319 billion below the FY 2012 level. This adjustment is due to anticipated receipts and obligations related to extraordinarily large cases currently under adjudication. For FY 2013, for expenses authorized by 28 U.S.C. § 524(c)(1)(B), (F), and (G), \$20.948 million, to be derived from the AFF. Of the unobligated balances available under this heading, \$675 million are permanently cancelled.

The Committee supports the President's overall proposal for the AFF FY 2013 budget.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES (DOJ)

The mission of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) is to reduce violent crime, prevent terrorism, and protect the United States through enforcing laws and regulating the firearms and explosives industries. For FY 2013, the President requests \$1.153 billion, a 0.1% increase over the FY 2012 enacted. Rescissions of \$12.4 million in prior year balances and \$1 million from ATF's Violent Crime Reduction Program account are also proposed.

The Committee supports funding ATF at levels necessary to accomplish its current mission.

DRUG ENFORCEMENT ADMINISTRATION (DOJ)

The Drug Enforcement Administration (DEA) is the lead federal agency tasked with reducing the illicit supply and abuse of narcotics and drugs through drug interdiction and seizing of illicit revenues and assets from drug trafficking organizations. The FY 2013 request totals \$2.051 billion, which is a 0.8% increase over the FY 2012 enacted level. DEA's FY 2013 request for its Salary and Expense account includes \$48.9 million in transfers and base adjustments. This includes \$8.026 million and 57 positions to transfer document and media exploitation functions from the National Drug Intelligence Center to the DEA.

The Committee recommends funding at an appropriate level for FY 2013.

FEDERAL BUREAU OF PRISONS (DOJ)

The Federal Bureau of Prisons (BOP) is responsible for confining Federal offenders in prisons and community-based facilities.

For FY 2013, a total of \$99.189 million, with 260 positions and 241 FTEs are requested for the Buildings and Facilities (B&F) appropriation. The FY 2013 request maintains B&F programs at prior years' request levels but does not add new prison beds. A rescission of \$75 million in prior

years' New Construction unobligated balances is also proposed. The rescission eliminates funding of \$64.7 million from the "Acquire Existing Institution for Higher Security FCI" project and reduces four partially funded projects. This proposal requests \$6.820 million for the administration, operation, and maintenance of federal penal and correctional institutions,

The BOP cannot control the number of inmates committed to its custody, and adequate resources are needed to assure the safety of inmates, employees, and visitors, while providing appropriate rehabilitation for offenders.

The Committee recommends funding at an appropriate level for FY 2013.

HEALTH CARE FRAUD

The Health Insurance Portability and Accountability Act (HIPAA) directed that the Department of Justice (DOJ) and the Department of Health and Human Services (HHS) establish a joint Health Care Fraud and Abuse Control (HCFAC) program. The President's FY 2013 budget requests an increase in discretionary funding for the HCFAC program to \$610 million. Funding to combat health care fraud is a sound investment from the standpoint of protecting our citizens and recapturing money obtained by criminals. In FY 2011, DOJ and HHS announced almost \$4.1 billion in recoveries and payments to the Medicare Trust Fund, returned to victim programs, and others. The 3-year average Return-on-Investment for the HCFAC program was \$7.2 to \$1.0.

OFFICE OF JUSTICE PROGRAMS (DOJ)

The President requests for the Office of Justice Programs (OJP) a budget of \$2.419 billion and 702 positions for FY 2013. This request level includes offsetting decreases totaling \$426 million, including the State Criminal Alien Assistance Program (\$170 million reduction), the Border Prosecution Initiative (\$10 million decrease), the Youth Mentoring Program (\$20 million reduction), and the Presidential Nominating Conventions that was requested in FY 2012 (\$100 million reduction). The President also requests a \$365 million increase to the Crime Victims Fund and a \$250 million increase for the new mandatory Grants to State for Medical Malpractice Reform program. The request includes \$43 million in one-time rescissions.

Byrne Justice Assistance Grants

The Byrne Justice Assistance Grants (Byrne JAG) program provides direct grants to states and local communities for a number of purposes, including funding local drug task forces. It is the only source of Federal funding for multi-jurisdictional efforts to prevent, fight, and prosecute drug-related and violent crime. For FY 2013, the President requests \$430 million for the Edward Byrne Memorial Justice Assistance Grant program, which includes \$17 million in set-asides for various initiatives including the Preventing Violence Against Law Enforcement Officer Resilience and Survivability Initiative (VALOR) program (\$5 million).

In FY 2013, the President's budget requests \$20 million for the Byrne Criminal Justice Innovation program, to provide demonstration grants in selected communities to support innovative, place-based, evidence-based approaches to fighting crime.

The President's FY 2013 Budget proposes \$25 million for the Byrne Competitive Grant program, an increase of \$10 million from the FY 2012 appropriation level. This program awards grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation). The program focuses on seven purpose areas, including: Preventing crime; enhancing local law enforcement; and enhancing local courts.

The FY 2013 President's budget requests \$67 million for the Missing and Exploited Children Program (MECP), of which \$22 million is set aside to combat internet crimes against children through the Internet Crimes Against Children Task Forces and other programs. The budget proposes funding these programs through the Crime Victims Fund.

Recognizing current budgetary constraints, the Committee supports funding these programs at appropriate levels.

DNA Backlog Elimination

The Committee supports full funding for the Debbie Smith Act, which funds reducing the backlog of DNA evidence in the Nation's labs, as well as the Innocence Protection Act, which funds post-conviction DNA testing. This technology is crucial and as it is increasingly used, larger numbers of departments are amassing biological evidence for use in criminal cases. However, using the technology and storing the evidence is costly.

For FY 2013, the President's request for this program (which also includes funding for DNA training for law enforcement and others, as well as the Sexual Assault Forensic Exam Program) is \$100 million. The Committee supports funding these DNA programs at appropriate levels.

Juvenile Justice

OJP requests \$245 million for the Juvenile Justice Programs account, which is \$25 million below the FY 2012 appropriation level.

This account includes programs that support state, local, and tribal community efforts to develop and implement effective and coordinated prevention and intervention juvenile programs. The objectives of these programs are to reduce juvenile delinquency and crime, improve the juvenile justice system so that it protects public safety, hold offenders accountable, and provide treatment and rehabilitative services tailored to the needs of juveniles and their families.

For FY 2013, recognizing current budgetary constraints, the Committee supports funding the Juvenile Justice programs at appropriate levels.

Residential Substance Abuse Treatment

The Residential Substance Abuse Treatment (RSAT) program for state prisoners helps state and local governments develop, implement, and improve residential substance abuse treatment programs in correctional facilities, and provides community-based aftercare services for their probationers and parolees to assist them in remaining drug-free. In FY 2013, the President's budget requests \$21 million for the RSAT program, an increase of \$10 million over the FY 2012 appropriations. The Committee supports funding the program at the appropriate level.

State Criminal Alien Assistance Program

State and local governments have had to bear an immense fiscal burden as a result of incarcerating criminal aliens. Although control of our nation's borders is a federal responsibility, states and localities are only partially reimbursed for these expenditures. For FY 2013, the President requests \$70 million for the State Criminal Alien Assistance Program (SCAAP). The Committee believes that SCAAP should be adequately funded to assist state and local jurisdictions.

Adam Walsh Act

The Adam Walsh Child Protection and Safety Act was enacted in 2006. Title I of the Act, the Sex Offender Registration and Notification Act (SORNA), established a comprehensive national system for the registration and notification to the public of those offenders. For FY 2013, the President's budget requests \$20 million to provide critical assistance to SORNA jurisdictions, particularly in these difficult economic times, to ensure the continuation of SORNA implementation activities. The funding would support jurisdictions' investments in their registration and notification systems that will be necessary to implement SORNA's many requirements. The Committee recommends funding the Adam Walsh Act at appropriate levels.

Services for Victims of Crime

The Administration requests an increase of \$365 million from the FY 2012 funding level for the Crime Victims Fund (CVF), increasing the obligation cap to \$1.070 billion. The increase in the obligation cap is proposed to fund programs both directly and indirectly related to victims' assistance, including grants to assist with the implementation of the Adam Walsh Act and the STOP Violence Against Women Formula Grant Program. The Crime Victims Fund is intended to provide compensation to victims of crime and survivors; support victims' services programs and victimization prevention strategies; and build capacity to improve response to crime victims' needs and increase offender accountability. The Committee supports using the Crime Victims Fund solely for programs directly related to victim compensation and services.

Recognizing current budgetary constraints, the Committee supports funding Services for Victims of Crime at appropriate levels.

Medical Malpractice

The Administration's FY 2013 Budget proposes \$250 million in grants to states to reform the way they resolve medical malpractice disputes. The Administration has not, to date, provided specific legislative proposals concerning medical malpractice reform.

Recognizing current budgetary restraints, and pending specific legislative proposals from the Administration, the Committee withholds judgment on the need for the requested funding.

Mentally Ill Offender Act

The Mentally Ill Offender Treatment and Crime Reduction Reauthorization Improvement Act of 2008 reauthorizes funding for the Adult and Juvenile Collaborations Program grants. The President's budget proposes the consolidation of this program into other programs for FY 2013.

Recognizing current budgetary constraints, the Committee supports separate funding for this program at appropriate levels.

Second Chance Act

The Second Chance Act of 2008 provides grants to establish and expand various adult and juvenile offender reentry programs and funds reentry-related research.

Recognizing current budgetary constraints, the Committee supports funding the Second Chance Act at appropriate levels.

National Criminal History Improvement and National Instant Background Check System (NICS)

National Criminal History Improvement (NCHIP) provides grants and technical assistance to help states and territories improve the quality, timeliness, and immediate accessibility of their criminal history and related records. The Administration proposed \$6 million in funding for this program for FY 2013. The NICS grant program provides grants to assist state and tribal governments in updating NICS with the criminal history and mental health records of individuals who are precluded from purchasing or possessing guns.

Recognizing current budgetary constraints, the Committee supports funding NICS at appropriate levels.

COMMUNITY ORIENTED POLICING SERVICES (COPS)

In FY 2013, the President requests for the Office of Community Oriented Policing Services (COPS) a total of \$289.6 million and 188 positions. This represents a \$91.1 million increase over the FY 2012 appropriations level.

The COPS Office is proposing several program increases to assist state, local, and tribal law enforcement to combat crime and increase law enforcement effectiveness by leveraging resources and maximizing cooperative efforts. The key highlight of this request is a \$257 million request for the COPS Hiring Program to assist in hiring additional law enforcement professionals at the local level. Of this request, the budget requests \$15 million to be dedicated to hiring of tribal law enforcement officers and \$15 million to fund training and technical assistance that supports the integration of community policing strategies throughout the law enforcement community. This request is in addition to a request for \$4 billion in assistance for the retention, rehiring, and hiring of police officers, which has been requested by the Administration under the American Jobs Act.

Recognizing current budgetary constraints, the Committee supports funding COPS at an appropriate level.

OFFICE OF VIOLENCE AGAINST WOMEN (OVW)

In FY 2012, OVW received \$412.5 million for Violence against Women Act (VAWA) implementation and in FY 2013, the President requests for OVW flat funding of \$412.5 million and 70 positions. The budget proposes funding \$144.5 million of this request from the Crime Victims Fund. The request also includes a \$6 million rescission from prior year balances.

Recognizing current budgetary constraints, the Committee supports funding OVW at levels necessary to accomplish its various missions.

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW (EOIR)

The Executive Office for Immigration Review (EOIR) contains the corps of Immigration Judges, the Board of Immigration Appeals (BIA), and the Office of the Chief Administrative Hearing Officer. EOIR presides over administrative immigration hearings such as removal, bond, and employer sanctions proceedings. The President's budget requests \$310.6 million for EOIR in FY 2013, an increase of 2.8% over the FY 2012 enacted level of \$302.3 million.

The FY 2012 enacted and the FY 2013 budget requests include an annual \$4 million transfer from the DHS Immigration Fee Account to EOIR. The FY 2013 request for U.S. Immigration and Customs Enforcement (ICE) includes language that states ICE can transfer up to \$5 million to EOIR "to increase the efficiency of the immigration court process."

EOIR's immigration court cases continue to grow. In FY 2009, EOIR received approximately 393,000 matters, a record volume that was replicated in FY 2010. Case receipts continue to rise and topped over 430,000 at the end of FY 2011. As a consequence, case backlogs have continued to increase, from 190,000 matters pending at the start of 2009 to over 295,000 matters pending by the start of FY 2012. Additionally, BIA receives over 30,000 appeals per year.

The Committee also supports funding of Legal Orientation Programs for detained noncitizens at a level necessary to accomplish the goals of the program.

Timely and fair adjudication of cases in Immigration Courts is an essential part of effective immigration enforcement. Funding for EOIR personnel and programs must keep pace with other immigration enforcement activities in order for the entire immigration enforcement system to function properly. The Committee recommends that EOIR be funded at a level that will enable it to achieve these goals.

U.S. CUSTOMS AND BORDER PROTECTION (DHS)

The Department of Homeland Security's Customs and Border Protection (CBP) is the federal agency principally responsible for the security of the Nation's borders, at and between the ports of entry along the border and at our seaports and airports. The Committee supports CBP's various missions, including the work of Inspectors and Border Patrol agents who are an essential component of our immigration enforcement system and serve as a critical shield against those who would enter the U.S. unlawfully.

The President's budget requests \$11.97 billion for FY 2013, a 2% increase over the FY 2012 enacted level. The funds will support and maintain the current staffing level of 21,370 Border Patrol agents, a force that has nearly doubled since FY 2004, and 21,186 CBP officers who perform critical services at our ports of entry. Without the transfer of US-VISIT to CBP from the National Protection and Programs Directorate, CBP's budget would have decreased.

The Committee supports funding CBP at levels necessary to accomplish its various missions. The Committee also supports the use of funding for the addition and improvement of Border Patrol facilities.

The Committee notes that a high rate of attrition for Border Patrol agents has been resolved through increased vetting and training programs as well as improvements in salaries and benefits. The Committee notes from FY 2010 to FY 2013, salaries and benefits increased by approximately \$1.89 billion from \$6.4 billion to \$8.29 billion.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (DHS)

Immigration and Customs Enforcement (ICE) is the largest investigative arm of DHS. Comprised of several components from the former Immigration and Naturalization Service (INS) and the U.S. Customs Service, the agency combines the investigative, detention and removal, and intelligence functions of the former INS with the investigative and intelligence functions of the former Customs Service.

The President's budget requests \$5.644 billion for FY 2013, which is a decrease of \$218 million from the FY 2012 enacted level of \$5.862 billion. The budget request supports 19,996 full time employees (FTEs), similar to the 19,982 FTEs in FY 2012. Recognizing current

budgetary constraints, the Committee supports funding ICE at levels necessary to accomplish its various missions.

The budget requests \$17.6 million to transfer US-VISIT to ICE. This ICE portion of US-VISIT includes the visa overstay analysis functions, which collects, stores, and shares biometric and biographic information and is intended to fit within ICE due to ICE's office of Homeland Security Investigation's responsibility for visa overstay enforcement.

The President's request reduces the number of alien detention bed spaces by 1,200 beds from 34,000 to 32,800. The Administration proposes enhancing its alternatives to detention program by \$39.9 million.

The Secure Communities Program is a comprehensive plan that seeks to identify and remove criminal aliens. The budget request includes \$138.7 million, a decrease of 26.6% from FY 2012 enacted level of \$189 million.

In addition, the Criminal Alien Program (CAP) focuses on identifying incarcerated criminal aliens in federal, state, and local facilities, and secures orders of removal prior to their release. The President's budget request includes a 10 percent increase of funding to CAP to \$216.7 million. The Committee supports funding for Secure Communities and the Criminal Alien Program, which focus on criminal aliens to improve public safety.

The President's budget reduces funding for the 287(g) program by \$17 million or 25%.

The President's budget provides \$32.6 million to maintain the Visa Security Program (VSP) at current locations. This Congressionally-mandated program places ICE personnel in Department of State consular posts in high risk countries to provide additional security screening for visa applications. Currently, there are 19 VSP offices overseas. The Committee supports funding at levels necessary to support current VSP locations and to expand the program to additional locations deemed necessary.

U.S. CITIZENSHIP AND IMMIGRATION SERVICES (DHS)

United States Citizenship and Immigration Services (USCIS) administers the immigration service functions described in the Immigration and Nationality Act, such as adjudicating citizenship and immigration benefit applications and petitions.

The FY 2013 budget request is \$3.005 billion, representing a decrease of 2.4% from the FY 2012 enacted level of \$3.078 billion. The Committee supports funding CIS at levels necessary to accomplish its various missions.

The request for appropriation includes \$111.9 million for E-Verify, \$20 million for the Systematic Alien Verification for Entitlements (SAVE) program, and \$11 million of immigrant integration and citizenship programs. The costs of many of the programs at USCIS are currently

supported by individuals and businesses applying for citizenship and immigration benefits through USCIS fees.

US-VISIT (DHS)

The FY 2013 budget request of \$279.1 million for the US-VISIT alien entry-exit system represents a decrease from the FY 2012 enacted level of \$306.8 million. The President's FY 2013 budget proposes transferring US-VISIT from the National Protection and Programs Directorate (NPPD) to U.S. Customs and Border Protection (CBP) and ICE by October 2012. CBP would assume responsibility for core US-VISIT operations, the management of biometric and biographic information storage, and matching and watchlist management services while ICE will assume responsibility of the US-VISIT visa overstay analysis. The President's budget proposes spending \$17.6 million for ICE's visa overstay analysis and \$261.5 million in funding for CBP's US-VISIT operations.

The Committee has long supported sufficient funding to meet the entry-exit requirements mandated by Congress in 1996 in order to identify who is entering and exiting the U.S. and how long they stay in the country. The Committee supports the use of unobligated funds appropriated in previous years to proceed with implementation, but also recommends sufficient funding be provided to prioritize the development of an integrated master schedule for the full implementation of the legal mandate. The Committee recommends that US-VISIT be funded at a level that will enable it to achieve full implementation.

U.S. SECRET SERVICE

The Secret Service is primarily tasked with two law enforcement functions: handling protection and conducting criminal investigations. Criminal investigation activities encompass financial crimes, bank fraud, mortgage fraud, identity theft, counterfeiting, and computer fraud. The protection mission covers the President and Vice President, among others.

The President's FY 2013 request is for \$1.544 billion. The Committee fully supports the FY 2013 request.

OFFICE OF REFUGEE RESETTLEMENT (HHS)

The Office of Refugee Resettlement (ORR) within the Department of Health and Human Services (HHS) provides assistance and services to refugees, asylees, unaccompanied alien children, victims of human trafficking, and certain Amerasian, Iraqi, Afghan, Cuban, and Haitian immigrants. ORR assists these populations by providing a range of services, including cash and medical assistance, housing assistance, and economic and social integration services.

The President's budget request of \$805 million contains a \$37 million increase for ORR to cover increases in medical costs of newly-arrived refugees and for care for unaccompanied

asylum-seeking children. The Committee recommends that ORR be funded at a level that will enable it to achieve its goals.

LEGAL SERVICES CORPORATION (LSC)

The Legal Services Corporation (LSC) is a non-membership, non-profit corporation established by Federal statute to provide funding for civil legal assistance to low-income Americans. For FY 2013 the President requests \$402 million to LSC. This would be a 15.5% (\$54 million) increase from LSC's current level of funding, which was set by the Continuing Resolution at \$348 million (see P.L. 112-55, Title IV).

The President's FY 2013 budget would allocate \$376.8 million for basic field programs and required independent audits; \$4.2 million for the Office of Inspector General; \$17 million for management and grants oversight; \$3 million for client self-help and information technology; and, \$1 million for loan repayment assistance. Pursuant to its independent budgetary authority, LSC requests \$470 million in appropriated funds for FY 2013: \$440.3 million for basic field grants; \$4.2 million for the Office of Inspector General; \$19.5 million for management and grants oversight; \$5 million for technology initiative grants; and, \$1 million for loan repayment assistance.

LSC has not been authorized for appropriations for more than 30 years, since FY 1980. The Subcommittee on Courts, Commercial and Administrative Law intends to hold an oversight hearing on LSC in 2012, at which time the Subcommittee can examine LSC's progress towards implementing recommendations made by the Government Accountability Office and the LSC Inspector General for improving transparency and accountability.

Recognizing current budgetary constraints, the Committee supports funding LSC at a level necessary to accomplish its mission.

PRIVATE CLAIMS LEGISLATION

The Committee anticipates it will consider private bills for claims against the United States. The Committee believes that \$5 million was sufficient in the past several years and believes that this figure, based on an analysis of private claims bills passed by recent Congresses, continues to be sufficient to meet the unanticipated costs associated with private claims legislation.

OFFICE OF GOVERNMENT ETHICS

The Office of Government Ethics (OGE) is responsible for providing the overall direction of executive branch policies designed to prevent conflicts of interest and to ensure high ethical standards. In partnership with executive branch agencies and departments, OGE develops ethics training courses and other educational materials for government employees, conducts on-site reviews of existing ethics programs, and provides advice and guidance on the Standards of

Ethical Conduct for Employees of the Executive Branch. For FY 2013, the President requests \$13.473 million for OGE, which is \$431,000 less than its FY 2011 level of \$13.904 million.

Recognizing current budgetary restraints, the Committee supports funding OGE at levels necessary to accomplish its various missions.

U.S. COMMISSION ON CIVIL RIGHTS

The Commission on Civil Rights was established by the Civil Rights Act of 1957, (P.L. 85-315), to serve as a bipartisan, fact-finding agency to investigate and report on the status of civil rights. For FY 2013, the President's budget requests \$9.4 million for the Commission which is a continuation of its current funding level. The Committee will examine the continuing mission of the Commission and its ability to perform its statutory functions in its current configuration. The Committee supports funding the U.S. Commission on Civil Rights at levels necessary to perform its mission.

U.S. PATENT AND TRADEMARK OFFICE

The U.S. Patent and Trademark Office (USPTO) issues patents and registers trademarks, which provide protection to inventors and businesses for their inventions and corporate and product identifications. The agency also advises other government agencies on intellectual property issues and promotes stronger intellectual property protections in other countries.

The USPTO is funded through the imposition of user fees that are paid by individuals and businesses that file for patent and trademark protection. The USPTO Director deposits these funds in a special account at the Treasury. As a practical matter, the agency is beholden to Congress and the appropriations process to receive funds back.

The agency is critical to the economic health of the country as it is an innovation-driver and job-creator. The Committee believes the USPTO should be permitted to keep all of the funds it raises each fiscal year until expended. The Committee therefore supports "full" funding of the agency at \$2.953 billion.

U.S. COPYRIGHT OFFICE

The U.S. Copyright Office is responsible for registering copyright claims and renewals, vessel hull designs, and mask works; recording assignments and related documents; acquiring US copyrighted works for possible inclusion in the Library of Congress collections; creating and making available records of copyright ownership; and providing copyright information to the public.

The Office is funded, in part, through the collection of fees received for services rendered. The Committee supports a FY 2013 funding level for the Copyright Office of \$52.772

million (\$33.611 million from the collection of fees and an additional appropriation of \$19.161 million) or, if less, at a level necessary for the Office to accomplish its various missions.

The Committee believes this is a lean budget request for an agency that contributes to the economy in multiple ways, including by promoting American creativity and facilitating copyright transactions in the marketplace. With the advent of digital technology, copyright law has become more complex and more ubiquitous than ever before. In the long term, the Office cannot build 21st century services for the nation without providing for intelligent growth and making ongoing investments in staffing and information technology. The Register of Copyrights underscored these points in her “Priorities & Special Projects” document, released last fall (www.copyright.gov/docs/priorities.pdf) in consultation with the Committee.

The Committee believes that the Register’s request for \$19.161 million in appropriated dollars is further offset by the value of the copyright deposits the Office provides to the nation. Each year, the Office provides more than \$30 million worth of books, films, music and other works of authorship to the Library of Congress, which are works the Library would otherwise have to purchase.

US OFFICE OF THE INTELLECTUAL PROPERTY ENFORCEMENT COORDINATOR (US-IPEC)

The Committee has determined that intellectual property theft presents a substantial threat and imposes significant harm, including major economic damage, on the United States. To address this problem, the Committee authorized, through the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (PRO-IP Act, P.L. 110-403), the creation of an Intellectual Property Enforcement Coordinator (IPEC) within the Executive Office of the President. The IPEC chairs an interagency intellectual property enforcement advisory committee, coordinates the development of the Joint Strategic Plan against counterfeiting and infringement and provides other assistance in the coordination of intellectual property enforcement efforts. The first IPEC was appointed in December 2009. The Committee urges the Administration to provide a detailed plan to staff the office with permanent FTEs, appropriate resources and a travel budget and supports such sums as are necessary to enable the IPEC to fully execute her statutory duties.

STATE JUSTICE INSTITUTE

The State Justice Institute (SJI) was established by Federal law in 1984 to award grants to improve the quality of justice in State courts, facilitate better coordination between State and Federal courts, and foster innovative, efficient solutions to common issues faced by all courts.

The President’s FY 2013 request is \$5.121 million. The Committee fully supports the FY 2013 request or a level necessary for SJI to accomplish its mission.

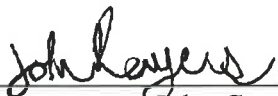
BUREAU OF COMPETITION (FTC)

The Federal Trade Commission's Bureau of Competition shares jurisdiction to enforce the nation's antitrust laws with the Antitrust Division of the Department of Justice. Recognizing current budgetary constraints, the Committee supports funding the Bureau of Competition at a level necessary to accomplish its mission.


**ADDITIONAL VIEWS
COMMITTEE ON THE JUDICIARY
VIEWS AND ESTIMATES FOR FY 2013**

John R. Justice Prosecutor and Defender Incentive Act

The John R. Justice Prosecutor and Defender Incentive Act was enacted in 2008. The Act authorizes funding for loan repayment assistance for state and federal public defenders and state prosecutors who commit for three years. In FY 2011, this program was funded at \$10 million and, in FY 2012, this program was funded at \$5 million. We support funding for this program at least equal to the level for FY 2011.



Congressman John Conyers, Jr.
Ranking Member
Committee on the Judiciary



Congressman Robert C. "Bobby" Scott
Ranking Member
Subcommittee on Crime, Terrorism,
and Homeland Security