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ONE HUNDRED ELEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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March 4, 2010

The Honorable John Spratt
Chairman
Committee on the Budget
207 Cannon House Office Building
Washington, DC 20515-6065

The Honorable Paul Ryan
Ranking Member
Committee on the Budget
B71 Cannon House Office Building
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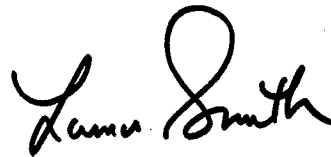
Dear Chairman Spratt and Ranking Member Ryan:

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 2011. 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 views of the Members of the 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,



John Conyers, Jr.
Chairman



Lamar Smith
Ranking Member

Enclosure

**COMMITTEE ON THE JUDICIARY
VIEWS AND ESTIMATES FOR FISCAL YEAR 2011**

This presents the views and estimates of the Committee on the Judiciary regarding the President's fiscal year 2011 budget request on matters within the Committee's Rule X jurisdiction.

MANDATORY SPENDING

FEDERAL JUDICIARY

The Committee understands that the Federal Judiciary has no control over the number of cases that are filed in the courts and that the Judiciary must handle each case filed. The Committee also understands that the Judiciary has little or no flexibility over how quickly it must handle many of these cases. The Committee is also aware that case filings have increased across almost all areas in 2009 and are projected to increase again in 2010, in part due to more resources provided to the Departments of Justice and Homeland Security to prosecute cases. In addition, bankruptcy filings increased 25% in 2008, 35% in 2009, and are projected to increase another 20% in 2010. Together, these circumstances have put substantial strain on the Federal Judiciary.

The Federal Judiciary has requested, and the Committee supports, an appropriation of \$7.329 billion for FY 2011, a 6.8% increase over the FY 2010 enacted level. It is critical that the Judiciary receive its full funding request in FY 2011 to provide certainty that resources will be available to support the staff the courts plan to hire in FY 2010 and will need to hire to address increased workload in FY 2011. The Committee notes that the overwhelming majority of the appropriations increase, 82.2%, is an adjustment for inflation that will simply maintain the current level of services. The Committee further notes that the balance of the increase will go to necessary and vital expenses, such as improving court security and telecommunications enhancements that will improve productivity. Part of this balance will also support the hourly rate paid to private Criminal Justice Act defense attorneys in non-capital cases. Despite the budgetary constraints facing Congress again this year, the Committee views this increase as necessary to ensure qualified counsel can be secured to represent indigent defendants in federal criminal cases.

The Committee is also concerned about attracting and retaining quality judges in the Federal Judiciary. Therefore, the Committee hopes to move forward with its ongoing efforts to provide fair and adequate salaries for Federal judges balanced by reform to the judicial pension system.

In 2004 the Judiciary embarked on an extensive cost-containment program in order to reduce the rate of growth of costs in the future. This effort has resulted in significant savings and

cost avoidance across a range of Judiciary activities. For example, through a variety of initiatives to reduce rent costs, the GSA rent bill for 2010 is estimated to be \$200 million less than what was projected in 2005, due in large part to cost containment. Several measures in the personnel area are estimated to produce savings of up to \$300 million from FY 2009 through FY 2017. Through the consolidation of computer servers, the Judiciary will save and avoid costs of \$63 million through FY 2012. The Committee commends the Judiciary for its efforts and urges the Judiciary to continue to pursue these and other cost-containment strategies.

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.

DISCRETIONARY SPENDING

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

The Administrative Conference of the United States (ACUS) is a nonpartisan body that makes many cost-saving recommendations intended to improve the efficiency and efficacy of regulatory law and practice. During the 110th Congress, ACUS was authorized to be appropriated \$3.2 million for FY 2011 pursuant to the Regulatory Improvement Act of 2007, Pub. L. 110-290. The Committee on the Judiciary recommends that \$3.2 million be authorized for ACUS in FY 2011 in accordance with Pub. L. 110-290.

ANTITRUST DIVISION (DOJ)

The President requests \$167.028 million in budget authority for the Antitrust Division for FY 2011, a \$3.858 million increase from the FY 2010 enacted level of \$163.170 million. Mandatory pre-merger filing fees paid by companies planning to merge are typically used to offset the majority of the Antitrust Division's funding. Based upon estimates from the Congressional Budget Office and the Federal Trade Commission, the Antitrust Division projects an increase in pre-merger filing fees from \$102 million in FY 2010 to \$110 million in FY 2011. As a result of this projected increase in fee collection, the Antitrust Division's budget request anticipates a decrease in direct appropriations from \$61.170 million in FY 2010 to \$57.028 in FY 2011.

The Committee supports the important work of the Antitrust Division and supports the increase. In light of the importance of the Division's various activities, the Committee encourages the Department to use the increased funding to pursue priorities important to Congress and the American people, such as merger enforcement to preserve competitive market

structure and civil non-merger enforcement to deter and remedy illegal anticompetitive business conduct, as well as criminal prosecution of cartel activity.

EXECUTIVE OFFICE FOR U.S. ATTORNEYS (DOJ)

There are 94 United States Attorneys' Offices 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. The Executive Office, located in Washington, D.C., at the Department of Justice, is entrusted with the task of coordinating the efforts of these U.S. Attorneys with the policies and priorities of the Attorney General and supervising their activities.

The FY 2011 Presidential Budget Request proposes \$2.041 billion for necessary expenses which is approximately \$107 million over the FY 2010 appropriation of \$1.934 billion. The request includes an increase of 102 positions over the FY 2010 enacted budget. The request also includes \$17.244 million targeted at enhancing efforts against financial and mortgage fraud.

The Committee recommends that the Executive Office of U.S. Attorneys continues to evaluate its programs and operations to increase efficiency and realize cost savings.

The Committee fully appreciates the role of the U.S. Attorneys as the chief law enforcement representatives of the Department of Justice and is committed to ensuring they are given the necessary resources to fulfill their responsibilities.

HEALTH CARE FRAUD (DOJ)

The Health Insurance Portability and Accountability Act (HIPAA) directed that the Department of Justice and the Department of Health and Human Services (HHS) establish a joint Health Care Fraud and Abuse Control (HCFAC) program. The Administration's FY 2011 Budget proposes an increase in discretionary funding for the HCFAC Program to \$561 million from \$311 million requested and appropriated for FY 2010. This provides enhanced funding for criminal enforcement related to fraud against both private and public health programs, including the newly-established joint HHS-DOJ Health Care Fraud Prevention and Enforcement Action Team (HEAT) task force. In FY 2010 \$29.791 million was appropriated for the Department of Justice, and the same amount for the HHS Office of Inspector General. The FY 2011 request is \$90 million for DOJ and \$94.8 million for HHS OIG.

GENERAL LEGAL ACTIVITIES (DOJ)

Office of Solicitor General

The Office of Solicitor General supervises and processes all appellate matters and represents the United States and federal agencies in the Supreme Court. The FY 2011 Presidential Budget Request proposes \$11.018 million for the Office of Solicitor General, which is \$209,000 over the FY 2010 enacted budget. The Committee considers the work of the Solicitor General an important element of the role played by the Department of Justice and is supportive of ensuring that the Solicitor General's office has sufficient resources to properly fulfill its mission within the Department.

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 State and Federal courts. Its litigation reflects the diversity of government activities, involving, for example: the defense of challenges to Presidential actions; national security issues; benefit programs; energy policies; commercial issues such as contract disputes, banking insurance, patents, fraud and debt collection; all manner of accident and liability claims; spent nuclear fuel litigation; certain immigration matters; as well as criminal 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 litigates significant policy issues, which often rise to constitutional dimensions, in defending and enforcing various Federal programs and actions.

For FY 2011, the Administration requests \$334.944 million for the Civil Division, an increase of \$47.186 million over the FY 2010 appropriated funding. The increased funding includes proposed program enhancements in spent nuclear fuel litigation, legal support services in response to the financial crisis including an expected increase in civil fraud workload stemming from the passage of the Fraud Enforcement and Recovery Act of 2009, and improved technical efficiencies and personnel expertise in electronic discovery (e-discovery). The Committee considers the work of the Civil Division crucial to the mission of the Department of Justice. The Committee will carefully consider programmatic funding, as well as the general activities of the Division, to ensure that the Division is fully able to perform its mission within the Department.

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 litigating 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 2011 requests \$119.31 million for ENRD, an increase of \$9.525 million over the FY 2010 enacted amount. The requested increase in funding includes additional attorneys and litigation support for Indian Tribal Trust litigation, activities related to enforcement of the nation's civil and criminal environmental laws, and additional support staff expertise in civil e-discovery. The Committee is supportive of ensuring that ENRD has sufficient resources to properly fulfill its mission within the Department.

Civil Rights Division

The Civil Rights Division of the Department of Justice (CRT) is the primary institution within the Federal government responsible for enforcing Federal statutes prohibiting discrimination on the basis of race, sex, disability, religion, and national origin. The Division enforces Federal laws prohibiting discrimination in education, employment, credit, housing, public accommodations, voting, and certain federally funded and conducted programs. 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, Voting, and Administrative Management.

The Administration has requested \$161.885 million for the Civil Rights Division in FY 2011, an increase of \$16.436 million over FY 2010 funding levels. The requested increase reflects additional personnel to combat discrimination in lending and foreclosures, litigate employment pattern or practice cases, enforce voting rights, and prosecute hate crimes. The Committee strongly supports the work of the Civil Rights Division and supports funding at a level that ensures it is able to carry out its critical mission of guaranteeing equality under the law.

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.

For FY 2011, the President's budget requests \$187.625 million for the Criminal Division. This amount includes a programmatic increase of \$2.255 million and a commendable offset of \$210,000 due to improved efficiencies related to travel expenses. The additional funding requested by the Administration will provide for the Division's participation in the Mobile Investigative Team's work to combat illicit money networks in the global market place; support national cyber security efforts and expand digital forensics capabilities; investigate and prosecute drug cartels and firearms traffickers at the Nation's southwest border; and expand the Division's work to protect children from prostitution, sex tourism and online abuse. The Committee strongly supports the work of the Department's Criminal Division and recommends funding at the requested levels for FY 2011.

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's budget requests \$115.972 million for the Tax Division for FY 2011, an increase of \$10.095 million over FY 2010 enacted funding. The program increase included in the budget is for an additional \$2.965 million to support the investigation and prosecution of cases under the Fraud Enforcement and Recovery Act of 2009.¹ The Committee supports the work of the Tax Division and its direction of increased resources to the prosecution of fraud cases stemming from the current financial crisis, and recommends funding at the requested levels for FY 2011.

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 integrate 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.

¹P.L. 111-21; Passed the House as H.R. 1748, the Fight Fraud Act of 2009

The President's budget for FY 2011 requests \$37.018 million for INTERPOL Washington, reflecting an increase of \$6.927 million compared to FY 2010 funding levels. Of the requested amount, \$1.155 million would fund the creation of a Exploited and Missing Children Unit within the Terrorism and Violent Crimes Division that will aim to address child exploitation in the areas of missing and abducted children, sex tourism, tracking of convicted sex offenders. Additionally, \$4.505 million is requested to fund the INTERPOL Operations and Command Center for an increase in the number of personnel and enhancement of the technology infrastructure of the 24/7 Command Center. The Committee supports INTERPOL Washington's continued efforts to enhance information sharing amongst international police authorities and recommends funding at the requested levels for FY 2011.

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. For FY 2011, the President's budget requests \$88.792 million for OIG, an increase of \$4.406 million over the enacted FY 2010 spending level of \$84.386 million. The FY 2011 request includes increased funding for enhanced oversight of national security programs and a cost savings through improved travel and management efficiencies. The Committee supports the work of the OIG and the recommended budgetary increase.

NATIONAL SECURITY DIVISION (DOJ)

The National Security Division was authorized by Congress in the USA PATRIOT Improvement and Reauthorization Act of 2005, Public Law 109-177, which was enacted in 2006. The National Security Division 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 2010, the National Security Division was funded at the President's requested level of \$87.938 million. For FY 2011, the Administration has requested \$99.537 million to address the President's highest priority to protect the American people from terrorist acts. Funding supports the detection and disruption of terrorists, counterintelligence, cyber security, and other threats against our national security. The Committee supports the important work of the National Security Division and the program increases for FY 2011, including enhanced resources for Foreign Intelligence Surveillance Act (FISA) and intelligence oversight, and recommends funding at the requested levels.

COMMUNITY RELATIONS SERVICE (DOJ)

The Community Relations Service (CRS) was established under Title X of the Civil Rights Act of 1964. Since 1964, CRS has traditionally been responsible for the Prevention and Conciliation of Community Disputes program, which provides conciliation and mediation assistance to communities with the goal of achieving peaceful and voluntary resolution of racial and ethnic conflict. The President's budget requests \$12.606 million in funding for CRS, including \$1.098 million in program increases. The Committee recommends that CRS be funded at a level necessary to achieve its important objectives.

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.

FY 2010 appropriations for the FBI were \$7.848 billion. The Administration's request for FY 2011 is \$8.264 billion in budget authority, of which \$8.083 billion is requested appropriations. The FBI has identified mortgage fraud as its most significant white collar crime issue. The number of pending investigations of mortgage fraud against financial institutions has risen from 436 at the end of FY2003 to over 2,600 by the end of FY2009.

On May 20, 2009, the Fraud Enforcement and Recovery Act (FERA) was signed into law. The Committee supports full funding for the FERA authorizations for the FBI.

U.S. MARSHALS SERVICE (DOJ)

The Marshals Service (USMS) has varied responsibilities. The 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. \$1,152,400,000 was appropriated for FY 2010 and the Administration's request for FY 2011 is \$1,207,000,000. The Committee supports funding for the USMS at levels necessary to accomplish its various missions.

Asset Forfeiture Fund

The Asset Forfeiture Fund (AFF) was established pursuant to the Comprehensive Crime Control Act of 1984. The Marshals Service 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).

For FY 2011, the President's budget proposes \$20.99 million in discretionary spending for AFF expenses and also proposes language permanently cancelling \$495 million of unobligated balances. The Committee supports the President's overall proposal for the Asset Forfeiture Fund FY 2011 budget and will continue to monitor any proposed diversions or transfers of Fund resources, particularly with regard to any proposed use of Fund monies for purposes outside of the jurisdiction of the Committee.

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

The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) received appropriations for FY 2010 in the amount of \$1.12 billion. The Administration requests \$1.163 billion for FY 2011.

The Committee supports ATF's Project Gunrunner, which is focused on reducing the flow of firearms being trafficked to Mexican Drug Trafficking Organizations. ATF received a \$10 million allocation to Project Gunrunner in the 2009 American Recovery and Reinvestment Act and the Committee supports the request for \$11.815 million in FY 2011 funding for this program. The Committee also continues to support ATF funding to enhance and expand its capability to prevent and disrupt traffickers of contraband cigarettes and other tobacco products. Resources are needed to establish tobacco enforcement teams and to create a robust tobacco enforcement division. Through contraband tobacco trafficking interdiction efforts, ATF reduces the loss of tax revenues to federal, state and local governments.

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. \$2,000,000,000 were appropriated for the DEA for FY 2010 and the Administration's FY 2011 budget requests \$2.421 billion in budget authority for the agency. The Committee recommends funding at an appropriate level for FY 2011.

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 2011, \$6.803 billion has been proposed for the administration, operation, and maintenance of Federal penal and correctional institutions. The Committee supports increase in funding for BOP staff, specifically that for correctional officers. The Committee also continues to support the Federal Prison Industries program efforts to provide

jobs and job skills to BOP offenders. The Committee recommends funding at an appropriate level for FY 2011, but at least at that the amount proposed by the Department.

OFFICE OF JUSTICE PROGRAMS (DOJ)

Community Oriented Policing Services

Community-Oriented Policing Services (COPS) is an important tool in the effort to fight crime. Implemented in 1994, COPS focuses on local strategies to fight crime and has been praised by Federal, state, and local law enforcement and political officials. The COPS program was created by Title I of the Violent Crime Control and Law Enforcement Act of 1994 (Pub. L. 103-322). The Violence Against Women and Department of Justice Reauthorization Act of 2005 (Pub. L. 109-162) reauthorized the COPS program through FY 2009 for approximately \$1.05 billion per year. According to the COPS program office, it has awarded more than \$12 billion to over 13,000 law enforcement agencies across the United States since it started awarding grants in 1994. The House passed legislation last year to reauthorize the program, because its authorization has expired, but the Senate has not yet taken up this measure.

Last year, the program received a \$1 billion allocation through the American Recovery and Reinvestment Plan. The President's FY 2011 budget proposes funding the program at a level of \$730.312 million, including \$302 million for the COPS Hiring Program. The Committee supports this renewed commitment to this program.

John R. Justice Loan Forgiveness

The John R. Justice Prosecutor and Defender Incentive Act was passed in 2008. The FY 2010 appropriation for John R. Justice Student Loan Repayment Program was \$10 million. The Committee recommends funding at an appropriate level.

Office of Violence Against Women

The Office on Violence Against Women (OVW) provides national leadership in developing the nation's capacity to reduce violence against women through the implementation of the Violence Against Women Act (VAWA). The Violence Against Women Act of 2000 and the Violence Against Women and Department of Justice Reauthorization Act of 2005, Pub. L. 109-162, reauthorized the grant programs created by the original VAWA and subsequent legislation, as well as established new programs.

The FY 2010, OVW received \$434 million for VAWA and the FY 2011 budget proposes \$460.735 million. The Committee recommends full funding of all the various grants programs under OVW, similar to the \$683 million authorized by the VAWA Reauthorization of 2005.

Juvenile Justice

The Juvenile Accountability Block Grant (JABG) has helped states strengthen their juvenile justice systems. The Committee reauthorized the JABG program with an annual allocation of \$350 million through FY 2009. In FY 2010 \$55 million was appropriated for JABG, but only \$40 million was requested by the President for FY 2011. For FY 2011, the Committee believes this program should be funded at the authorized level.

Project ChildSafe is a Federal, state, and local partnership designed to ensure that child safety locks are made available for every handgun in America. Such locks prevent the unauthorized use and inadvertent discharge of firearms. In the past, this program has received support from the Judiciary Committee. The Administration is proposing to eliminate this program. The Committee recommends funding at an appropriate level for FY 2011.

Mentally Ill Offender Act

The Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008, signed into law on October 14, 2008, reauthorizes funding for the Adult and Juvenile Collaborations Program grants. The Act authorizes \$50 million for each fiscal year for FY2009 through FY2014; however, \$12 million was appropriated for the program in FY 2010. The President's FY 2011 budget proposes funding this program together with the Drug Court program at a level of \$57 million, with the budget justification documents specifying that this total amount would include an allocation of \$12 million for mental health courts. The Committee wants to ensure that combining the funding for these programs does not lead to a reduction in funding for the Mentally Ill Offender programs and supports funding for the program at the authorized 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. The Committee believes that the State Criminal Alien Assistance Program (SCAAP) should be adequately funded to assist state and local jurisdictions.

The Committee notes that in past years, Presidents' budgets have requested no money for SCAAP. The Committee is therefore encouraged that the President's FY 2011 budget requests \$330 million, an amount equal to that appropriated in FY 2010. Nevertheless, the Committee recommends that SCAAP, which was reauthorized in the Violence Against Women and Department of Justice Reauthorization Act of 2005, be funded at the full \$950 million authorization in FY 2011. The program has been significantly underfunded since its inception under the Violent Crime Control and Law Enforcement Act of 1994.

STATE AND LOCAL LAW ENFORCEMENT

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.

The Byrne JAG grants have been proven to be effective and critical to public safety. The American Recovery and Reinvestment Plan allocated \$2 billion in funding to the Byrne JAG program and is allocated for use over the next four years. The program received an appropriation of \$519 million for FY 2010 and the Administration's budget request for FY 2011 is also for \$519 million. The Committee supports funding this program at its authorized level.

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. In addition, a number of new grant programs, under Byrne JAG, were also authorized to assist states in improving sex offender registration and related requirements under the Act. States report that a large hurdle to SORNA compliance is the lack of federal funding. The Committee recommends funding the Adam Walsh Act 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 (IPA), which funds post-conviction DNA testing. We have been at full or close to full authorization levels for these programs and still have significant backlogs. This technology is crucial and as it is increasingly used, an increasing amount of departments are amassing biological evidence for use in criminal cases. But, using the technology and storing the evidence is costly.

Much biological evidence has been cleared in recent years. As more departments explore the technology and its superiority, however, the backlog has remained level because of the new evidence retained. In FY 2010, \$151 million was appropriated under the Debbie Smith Act, which is the authorized level, and a total of \$161 million was appropriated for the DNA-Related and Forensics Program, including \$5 million for the Sexual Assault Forensic Exams Program and \$5 million for the Kirk-Bloodsworth Post-Conviction DNA Testing Program. For FY 2011, the Administration's request for the DNA-Related and Forensics Program, with no specific allocations proposed for the component sub-programs, is \$150 million. The Committee is concerned about this reduction and supports full funding for these DNA programs. In addition, the Committee remains concerned about the unfortunate circumstance that some jurisdictions receiving funding in recent years to reduce their DNA backlogs have not spent their funding and

the Committee advocates consideration of mechanisms to recapture and reallocate these unused funds.

Services for Victims of Crime

The Crime Victims Fund (Fund) was created by Congress in 1984 to provide Federal support to state and local programs that assist victims of crime. The Fund is derived entirely from criminal fines and penalties paid by offenders at the Federal level - not taxpayer revenues - and is primarily distributed through state formula grants administered by the Office of Crime Victims. The Administration's budget requests an obligation limit of \$800 million for FY 2011, an increase of \$95 million over the FY 2010 enacted obligation limit. The Committee supports this increase in the obligations limit and will continue to review the use of Fund monies and unobligated balances to ensure they are used appropriately for victim services. The Committee also notes the increase in funding for victims of child abuse in Indian Country.

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 55% of the Program's funding is subsidized by quarterly fees paid by Chapter 11 debtors. The remaining 45% of its funding is derived from a portion of filing fees paid to commence bankruptcy cases, interest earnings, and other miscellaneous revenues.

The Department of Justice requests \$236.435 million for FY 2011 for the U.S. Trustee Program, which represents a 7.8% increase over the FY 2010 enacted appropriation level. The Program was appropriated \$219.3 million for FY 2010, which reflected an increase of \$1.9 million over the prior fiscal year appropriated level of \$217.4 million. There are two program changes for FY 2011. First, the FY 2011 budget request includes an increase of 35 positions, including 12 attorneys, over the FY 2010 enacted funding level of 1,323 authorized positions. The additional personnel are requested to handle increased caseload and case complexities for which there are asserted to be no dedicated resources currently available. Second, the Program requests \$2.5 million for life cycle replacement of technological equipment. In FY 2011, the U.S.T.P. anticipates a significant rise in bankruptcy filings and will generate offsetting collections of \$281.829 million, \$46 million over the FY 2011 budget request.

The Program's FY 2011 budget is intended to be used, in part, to identify and combat creditor abuse and mortgage, corporate, and other sophisticated fraud schemes. The Committee is

supportive of ensuring that the U.S. Trustee Program has sufficient resources to properly support its work and is attentive to the growing volume and complexity of bankruptcy cases.

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 Chief Administrative Hearing Officer (OCAHO). EOIR presides over administrative immigration hearings such as removal, bond, and employer sanctions proceedings.

The President's budget requests \$316.442 million for EOIR in FY 2011, an increase of \$18.487 million over the enacted FY 2010 spending level of \$297.955 million. The request includes an increase of 125 positions to add 21 Immigration Judge Teams and 10 BIA attorneys.

The Committee strongly supports the request for additional Immigration Judges and support personnel. The number of Immigration Judges and support personnel has not kept pace with the increase in their workload, leading to a growing backlog of cases pending in Immigration Courts. The number of Notices to Appear (charging document that would place a noncitizen in removal proceedings in Immigration Court) issued by the Department of Homeland Security (DHS) rose from 213,887 in FY 2006 to 291,217 in FY 2008, an increase of 36% in just two years.² In contrast, the number of Immigration Judges with regular caseloads actually decreased from 218 in 2006 to 214 in 2008.³ As a result, the number of pending cases in Immigration Courts grew from 168,866 in 2006 to 186,342 in 2008.⁴

The Committee also supports the full funding of Legal Orientation Programs (LOP) for detained noncitizens. Detained LOP participants go through Immigration Courts 13 days faster on average than detainees who do not participate in LOP, resulting in "important resource-saving benefits for the immigration courts and immigration detention system."⁵

² American Bar Association Commission on Immigration, Reforming the Immigration System: Proposals to Promote Independence, Fairness, Efficiency, and Professionalism in the Adjudication of Removal Cases (2010), Executive Summary, ES-19, available at http://www.abanet.org/media/nosearch/immigration_reform_executive_summary_012510.pdf.

³ Transactional Records Access Clearinghouse, Syracuse University, Case Backlogs in Immigration Courts Expand, Resulting Wait Times Grow (2009), available at <http://trac.syr.edu/immigration/reports/208/>.

⁴*Id.*

⁵Vera Institute of Justice, Legal Orientation Program Evaluation and Performance and Outcome Measurement Report, Phase II (May 2008), available at <http://www.justice.gov/eoir/reports/LOPEvaluation-final.pdf>.

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 the increase in 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 U.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 \$11.18 billion (\$9.817 billion in appropriated funds and \$1.362 billion in mandatory fee collections) for FY 2011. The funds will support current levels of Border Patrol agents, a force that has nearly doubled since FY 2004, and will increase the number of CBP Officers in the Office of Field Operations, who perform critical services at our ports of entry.

The Committee notes its continuing concern regarding the high rate of attrition for Border Patrol agents and the increasing ratio between new agents and experienced agents who can appropriately manage the new agents. The Committee commends the President's intention to implement pay increases for CBP officers, Border Patrol agents and Agricultural Specialists by raising the journeyman grade level from GS-11 to GS-12. This change acknowledges the growing job requirements for these positions and will help to build and retain a professional and experienced force. The Committee also supports the use of funds to train border patrol agents on the appropriate and humane treatment of aliens apprehended at the border, as well as on efforts to minimize deaths along the southwest border, and on how to better protect themselves from increasing violence directed against them along the border.

The Committee also supports the use of funding for the addition and improvement of Border Patrol facilities. Although appropriated funds in the American Recovery and Reinvestment Act resulted in improvements to several Border Patrol facilities, the Committee is concerned that CBP intends to use facilities management funds solely to maintain existing structures, rather than to develop new Border Patrol facilities and continue to modernize existing facilities.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (DHS)

U.S. 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 \$5.835 billion (\$5.525 billion in appropriated funds and \$311.387 million in mandatory fee collections) for FY 2011. The Committee observes that the President's request represents a \$100 million increase over the FY 2010 enacted level of \$5.7 billion.

The Secure Communities Program is a comprehensive plan that seeks to identify and remove criminal aliens. In addition, the Criminal Alien Program focuses on identifying incarcerated criminal aliens in federal, state, and local facilities, and secures orders of removal prior to their release. The Committee supports funding for Secure Communities and the Criminal Alien Program, which focus on criminal aliens to improve public safety.

With respect to the detention of aliens, the Committee supports ongoing reforms to ensure that detainees are housed in appropriately designed and managed facilities. The Committee supports funding for the development and deployment of an electronic health records system and for additional procedures to ensure that detainees with medical and mental health needs are housed in adequate facilities and receive medically necessary care. The Committee applauds the President's efforts to manage the overall cost of detention by reviewing existing facility contracts and evaluating the use of facilities that have high detention costs. In deciding whether to discontinue the use of such facilities, however, the President should also consider the impact that such closures will have on detainee access to counsel secured at their own expense. The Committee continues to support "Alternatives to Detention" programs in appropriate circumstances.

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.

FY 2010 enacted budget was \$2.859 billion, which consisted of \$2.635 billion in mandatory fee collections and \$224 million in appropriated funds. The FY 2011 budget request is \$2.812 billion, consisting of expected mandatory fee collection amount of \$2.426 billion and \$385.8 million in appropriated funds.

The request for appropriation includes \$207 million for the processing of applications for refugee and asylum status, \$137 million for immigration verification programs, including \$34 million for the Systemic Alien Verification for Entitlements (SAVE) program, and \$18 million of immigrant integration and citizenship programs. The cost of these programs are currently supported by individuals and businesses applying for other citizenship and immigration benefits through USCIS.

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 \$877.602 million represents an increase of \$146 million over the FY 2010 appropriated amount and approximately \$136 million over the requested amount for the last fiscal year. The Committee supports this increase in funding.

The Committee anticipates that there will be an increased number of persons eligible in FY 2011 compared to FY 2010 for certain ORR programs. For example, the number of refugee admissions in FY 2010 to date has increased 30% compared to the same period in FY 2009 due to continued efforts by the Administration to improve infrastructure related to refugee resettlement. These improvements have resulted in a more consistent and efficient flow of refugees throughout the fiscal year, unlike prior fiscal years when refugee arrivals tended to spike significantly during the final two quarters. While such spikes are likely to be less pronounced in future fiscal years due to the infrastructure improvements, such improvements will likely result in larger refugee arrivals overall.

The Committee also expects increased numbers of Iraqis and Afghans who qualify for Special Immigrant Visas, and, due to the tragedy in Haiti, an increase in Cuban-Haitian entrants. Further, the Committee expects, given the current economic climate in the country, that the need for programs provided by ORR—particularly those related to employment, integration, self-sufficiency, and basic needs—is likely to increase in FY 2011. The Committee believes that an increased level of funding will be required for ORR to accomplish its important missions with respect to the growing number of eligible persons in FY 2011.

Transitional and Medical Services

The Committee is particularly interested in the funding level for Transitional and Medical Services (TAMS) for refugees and other entrants. The FY 2010 enacted amount for TAMS funding was \$353.332 million, whereas the requested amount for FY 2011 is \$417 million, an

increase of \$64 million. The Committee supports this increase. The Committee was encouraged that the Department of State recently increased the one-time amount available to refugees through its Reception and Placement Program from \$900 to \$1800, but such funds are only meant to address the challenges faced by refugees for an initial 30 to 90 day period.

The TAMS program is essential to meet the economic and medical needs of recently-arrived refugees, asylees, trafficking victims, and certain other vulnerable entrants. The program also serves the purpose of reducing costs to the federal government by helping refugees become employed and self-sufficient within a few months of arrival to the United States. Under the Voluntary Agency (Matching Grant) and Wilson-Fish programs, individual refugee resettlement agencies and several states divert refugees and other entrants from welfare dependency by providing intensive services that help refugees quickly become self-sufficient. The Matching Grant Program in particular has proved to be an efficient vehicle for assisting refugees in attaining economic self-sufficiency without accessing public cash assistance. The program also maximizes private contributions, whereby resettlement agencies “match” federal grants with private cash and in-kind contributions on a 2:1 basis, providing an enormous amount of local community involvement and non-public funds to the resettlement process. The Committee believes such programs are essential and cost-effective, and notes with approval the President’s proposed establishment of a \$25 million contingency fund for TAMS. The Committee believes that a further increase in overall TAMS funding would ensure that the needs of the vulnerable populations served by ORR are being adequately met.

Division for Unaccompanied Alien Children

The Committee is also particularly concerned with the funding level for ORR’s Division of Unaccompanied Alien Children (DUCS), which exercises responsibilities for the care and placement of unaccompanied alien children while they are awaiting resolution of questions relating to their immigration status. The FY 2011 request of \$207.357 million represents a minimal \$6 million increase over the total funds available in FY 2010 (\$201 million total – \$149 million in enacted appropriations plus \$52 million remaining from the Supplemental Appropriations Bill in FY 2009). The Committee believes that such additional DUCS funding is necessary to sufficiently and adequately meet the needs of unaccompanied alien children.

ORR provided services to an estimated 6,600 unaccompanied alien children in each FY 2009, and the agency anticipates that it will provide services to approximately 7,800 such children in FY 2010. The Committee believes that this number may further increase in FY 2011. Further, the requirements mandated by the William Wilberforce Trafficking Victims Reauthorization Act of 2008 (Public Law 110-457) (TVPRA), which strengthens protections for unaccompanied alien children at the border and in the nation’s interior by establishing policies and programs to identify child victims of trafficking and protect all unaccompanied alien children from traffickers and other persons seeking to harm and exploit them, will likely further increase costs for ORR. An increase in funding is needed to further ensure that the TVPRA’s additional requirements are met for quality custodial care and services, increased use of smaller, child-

centered custodial settings more appropriate for children, and to expand ORR's pro bono legal services program.

The Committee supports ORR's efforts to increase shelter capacity within 250 miles of the border, and the President's request includes funding to accomplish this goal. Such increase in capacity is meant to limit travel time for unaccompanied alien children and control transportation costs to the federal government. However, in order to access necessary social and pro bono services, ORR facilities are typically placed near major population centers. The Committee is particularly concerned that such services will be limited in Texas, where the 250-mile limit excludes all major cities except San Antonio. The Committee believes that an exception to the 250-mile limit should be made in Texas to allow ORR to increase shelter capacity in Houston, the nation's fourth-largest city and home to multiple social service and pro bono service providers.

US-VISIT (DHS)

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 notes that the agency reported to Congress in FY 2010 the results of two air exit pilot programs. 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.

FOREIGN CLAIMS SETTLEMENT COMMISSION

The Foreign Claims Settlement Commission of the United States (FCSC) is a quasi-judicial, independent agency within the Department of Justice that adjudicates claims of U.S. nationals against foreign governments, under specific jurisdiction conferred by Congress, pursuant to international claims settlement agreements, or at the request of the Secretary of State. Funds for payment of the Commission's awards are derived from congressional appropriations, international claims settlements, or liquidation of foreign assets in the United States by the Departments of Justice and the Treasury.

There has been little significant change in the operation of the FCSC. The budget request for the FCSC for FY 2010 was \$2.12 million and the FY 2010 Consolidated Appropriations Act provides \$2.12 million. The budget request for the FCSC for FY 2011 is \$2.16 million. The Committee recommends that FCSC continue to be adequately funded in FY 2011.

U.S. SECRET SERVICE (DHS)

The U.S. Secret Service (USSS) is primarily tasked with two law enforcement functions, handling protection and conducting criminal investigations. Criminal investigation activities

encompass financial crimes, identity theft, counterfeiting, and computer fraud. The protection mission covers the President and Vice President, among others. The Secret Service is also responsible for security activities at National Special Security Events (NSSEs), which include the Party Nominating Conventions, as well as international conferences and events held in the United States. In FY 2010, the Secret Service received \$1 million for NSSE costs. In addition to an appropriate level of funding to cover the core law enforcement missions of the USSS, the Committee supports additional funding for NSSE costs. The Committee notes the increasingly prominent role the USSS has taken in recent years with respect to the investigation of mortgage fraud. The Fraud Enforcement and Recovery Act of 2009 specifically authorized \$20 million for the USSS's investigative efforts in this area for FY 2011 and the Committee supports funding at the authorized level. The Committee also continues to support funding for the USSS's Electronic Crimes Program. \$1.482 billion was appropriated for the USSS for FY 2010. The Administration requests \$1.811 billion in budget authority for FY 2011 for USSS. The Committee supports this request.

LEGAL SERVICES CORPORATION

The Legal Services Corporation (LSC) is a non-profit entity established by Federal statute for the purpose of providing financial support for legal assistance in noncriminal proceedings or matters to persons financially unable to afford legal assistance. The FY 2011 Presidential Budget Request proposes \$435 million to LSC, an overall increase of \$15 million in Federal funding from the FY 2010 enacted budget. The FY 2011 Presidential Budget Request allocates \$407 million for basic field programs and required independent audits; \$4 million for the Office of Inspector General; \$20 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, however, LSC requests \$516.5 million in appropriated funds for FY 2011. The request specifically allocates: \$484.9 million for basic field grants; \$4.35 million for the Office of Inspector General; \$19.5 million for Management and Grants Oversight operations; \$6.8 million for the Technology Initiative Grants program; and \$1 million for the Herbert S. Garten Loan Repayment Assistance Program. The Committee is supportive of ensuring that LSC has sufficient resources to properly support its work.

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 Conduct for Employees of the Executive Branch. For FY 2011, OGE is requesting \$14.73 million, an increase of the \$227,000 over the FY 2010 enacted level of \$14.5 million. The

Committee supports this request and recommends that OGE be adequately funded in FY 2011 to fulfill its important functions.

U.S. COMMISSION ON CIVIL RIGHTS

The Commission on Civil Rights was established by the Civil Rights Act of 1957, Pub. L. 85-315, 71 Stat. 634, to serve as a bipartisan, fact-finding agency to investigate and report on the status of civil rights. The Commission received funding of \$9.4 million for FY 2010 and has essentially received flat funding in past years, with only incremental adjustments. The Committee will examine the continuing mission of the Commission and its ability to perform core functions in its current configuration and level of funding.

U.S. PATENT AND TRADEMARK OFFICE

The Committee supports the United States Patent and Trademark Office (USPTO) FY 2011 budget request of \$2.331 billion.

The Committee believes it is crucial to do everything possible to support the USPTO in its efforts to reduce the patent backlog, increase patent quality, and make patent and trademark protection available to America's inventors and businesses. The economic activity of these individuals and companies contribute heavily to the creation of jobs in the United States and growth of the United States economy.

The Committee is pleased to see that the new leadership at the USPTO has taken aggressive action to cut waste and improve the agency's efficiencies. Among the more notable actions include:

- Developing a workflow process that will allow for quicker resolution of pending patent applications. This improved process will bring various patent-related fees to the agency in a more timely fashion, reduce labor costs associated with examining patent applications, and provide better customer service by reducing patent pendency to 20 months by 2014 (At the end of FY2009, patent pendency was 34.6 months and is projected to reach almost 40 months by FY2015 if unabated).
- Employing a commonsense hiring strategy that focuses on recruiting individuals with proven experience in patent examination. This will allow new hires to contribute more effectively to patent examination sooner, and will reduce the need to take experienced examiners away from patent examination in order to train new recruits.
- Improving the agency's technology infrastructure, including the agency's capabilities to allow employees to telework, which has proven to improve employee efficiency. Additionally, the agency has developed a multi-year plan to update and replace antiquated systems that hinder patent examiner efficiency.

The Committee notes that the USPTO is a user fee funded agency and that due to the recent economic downturn, user fee collections have become less predictable leading to significant budget shortfalls in the short-term. In order to address these shortfalls, the Committee supports a temporary 15% surcharge on various patent fees as called for in the budget. The Committee also supports the agency's proposal to establish a patent operating reserve that will be used to protect the agency against unforeseen fee disruptions. Additionally, the Committee supports in principle granting the agency greater authority to set patent-related fees in order to allow the USPTO to better account for, and adjust to, fluctuations in patent examination costs, however the Committee is concerned that the proposal does not contain a clear Congressional oversight component.

The Committee further notes that all the improvements discussed above are contingent upon the agency having access to all the user fees that it collects. Given the importance of the USPTO's function to the United States economy, the Committee believes that no circumstance justifies diversion of USPTO fees.

STATE JUSTICE INSTITUTE

The State Justice Institute (SJI) was established by federal law (42 U.S.C. 10701 et seq.) 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.

Since it began awarding grants in 1987, SJI has awarded more than \$150 million in grants and scholarships to support more than 2,000 projects. Pursuant to oversight legislation passed in the 107th Congress, the Attorney General, in consultation with the Federal Judicial Center, conducted a review of SJI operations and reported his findings to Congress. The Attorney General concluded that the Institute had been "effective" and had complied with its statutory mission. He further observed that "support for state court innovation and improvement is a federal interest."

Following the Attorney General's report, the 108th Congress reaffirmed its commitment to SJI by passing the State Justice Institute Reauthorization Act of 2004, Pub. L. 108-372, authorizing SJI's operations through FY 2008.

The FY 2011 Presidential Budget Request proposes \$5.411 million to SJI, an overall increase of \$280,000 in federal funding from the FY 2010 enacted budget. Pursuant to its independent budgetary authority, however, SJI requests \$6.273 million in appropriated funds for FY 2011. The Committee is supportive of ensuring that SJI has sufficient resources to properly support its work.

The Committee commends SJI for implementing many cost savings initiatives over the past several years. For example, SJI has increased efficiencies by better incorporation of information technology and financial and payroll management systems in its work. Cost savings have been redirected to support SJI grants.

U.S. COPYRIGHT OFFICE

The Copyright Office budget is a separate appropriation in the overall budget for the Library of Congress. The Copyright Office administers the U.S. copyright laws, provides copyright expertise to the Congress and executive branch agencies, and actively promotes international protection for intellectual property created by U.S. citizens. The Committee supports the Copyright Office FY 2011 budget request of \$56.78 million.

PRO-IP IMPLEMENTATION

The Committee has determined that intellectual property theft imposes a substantial negative economic impact 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 a Joint Strategic Plan against counterfeiting and infringement, and provides other assistance in the coordination of intellectual property enforcement efforts. The Committee supports such sums as are necessary to enable the IPEC to fully execute her statutory responsibilities.

The Committee is pleased the IPEC was recently nominated and confirmed, but is concerned the IPEC has not been given a clear budget or staff. It is imperative the IPEC receive funding and staff support commensurate with the enormous responsibilities of this critical position.

Also through the PRO-IP Act, the Committee directed the Department of Justice to dedicate substantial law enforcement resources to intellectual property piracy and counterfeiting. This includes: (1) \$25,000,000 for the IP-TIC grants program to fund State or local law enforcement entities (including law enforcement agencies of municipal governments and public educational institutions) for training, prevention, enforcement, and prosecution of intellectual property theft and infringement crimes; (2) \$10,000,000 to the Director of the Federal Bureau of Investigation and \$10,000,000 to the Attorney General for the Criminal Division of the Department of Justice to investigate and prosecute intellectual property crimes and other criminal activity involving computers; (3) \$10,000,000 to be used to provide at least 10 additional FBI agents to support the Computer Crime and Intellectual Property Section of the Criminal Division, at least one additional FBI agent in each Computer Hacking and Intellectual Property Crime Unit, and to ensure that at least two Assistant United States Attorneys are assigned to each Computer

Hacking and Intellectual Property Crime Unit; and (4) to ensure the implementation of a regular and comprehensive training program.

Given the priority Congress places on ensuring intellectual property rights are more fully protected, the Committee encourages the Administration to provide clear information regarding the level of funding and resources dedicated to the IPEC's mission as well as the specific amounts dedicated by the DOJ to the implementation of PRO-IP in FY 2011. In future fiscal years, the Committee looks forward to having such specificity incorporated into the budget submission. The Committee supports full funding of the above authorizations, as anticipated and provided under the PRO-IP Act.