

Focus on Function 750 – Administration of Justice

Function 750 (Administration of Justice) consists of programs that provide federal law enforcement, litigation and judicial services, federal correctional operations, and state and local criminal justice assistance. The Federal Bureau of Investigation, the Drug Enforcement Administration, and the Federal Bureau of Prisons are some of the agencies within this function.

Table 1: Function 750 Spending, 2019
(In billions of dollars)

Discretionary BA	62.6
Discretionary Outlays	60.6
Mandatory Outlays	<u>5.0</u>
Total Outlays	65.6

Note: Estimates assume 2018 emergency funding is one-time only.

The largest discretionary programs in Function 750 are U.S. Customs and Border Protection; the Federal Prison System; Courts of Appeals, District Courts, and other Judicial Services; U.S. Immigration and Customs Enforcement; and the Federal Bureau of Investigation. These programs also receive some mandatory funding.

The major mandatory programs in this function are Legal Activities and Judicial Services; U.S. Citizenship and Immigration Services; the Office of Justice Programs; portions of Courts of Appeals, District Courts, and other Judicial Services; and portions of U.S. Customs and Border Protection.

According to the Congressional Budget Office (CBO) spring 2018 baseline excluding emergencies, budget authority (BA) for Function 750 discretionary programs for 2019 will account for 5 percent of total discretionary funding. Outlays for mandatory programs in Function 750 for 2019 will account for less than 1 percent of total non-interest mandatory spending excluding undistributed offsetting receipts.

DISCRETIONARY

U.S. Customs and Border Protection (CBP): CBP is responsible for securing America's borders and protecting against terrorist threats. It is charged with inspecting travelers at land, sea, and air ports-of-entry for immigration and customs compliance. While nearly 90 percent of CBP funding is discretionary, the agency receives some mandatory money as well.

Table 2: Discretionary BA in Function 750, by Major Program, 2019
(In billions of dollars, excluding emergencies)

U.S. Customs and Border Protection.....	14.5
Federal Prison System.....	7.5
U.S. Immigration and Customs Enforcement.....	7.3
Courts of Appeals, District Courts, and Other Judicial Services.....	7.0
Legal Activities and U.S. Marshals.....	6.1
Federal Bureau of Investigation.....	4.1
Office of Justice Programs.....	2.8
Drug Enforcement Administration.....	2.3
United States Secret Service.....	2.1
Bureau of Alcohol, Tobacco, Firearms, and Explosives.....	1.3
Other 1/.....	<u>7.5</u>
Total.....	62.6

1/Negative figures largely a result of immigration and customs user and examination fees.

Federal Prison System: This concerns inmate custody, prison security, and inmate management. There are currently more than 180,000 federal inmates in custody.¹

Courts of Appeals, District Courts, and Other Judicial Services: The discretionary portion of this program largely funds defender services as well as for salaries and benefits of judges and employee support. It also includes all operating expenses for the United States courts of appeals, district courts, bankruptcy courts, United States Courts of Federal Claims, and United States Probation and Pretrial Services offices.

U.S. Immigration and Customs Enforcement (ICE): ICE is the largest investigative unit in the Department of Homeland Security. It is responsible for investigating a broad range of domestic and international immigration and customs violations, such as human trafficking and contraband smuggling. It also performs removal operations by enforcing immigration laws.

Legal Activities and U.S. Marshals (USMS): This program includes activities of U.S. Attorneys that enforce federal laws throughout the country. The USMS has several duties that include protecting the federal judiciary, apprehending federal fugitives, transporting and housing federal prisoners, and operating the Witness Security Program (also known as the “Witness Protection Program”).

Federal Bureau of Investigation (FBI): The FBI’s mission is to protect and defend the United States against terrorist and foreign intelligence threats, to uphold and enforce the criminal laws of the United States, and to provide leadership and criminal justice assistance to federal, state, local, and international agencies.

¹ Inmate statistics vary daily; visit www.bop.gov for the latest statistics.

Office of Justice Programs (OJP): OJP provides grants to states and local law enforcement to support programs to prevent crime. OJP grant programs include Community Oriented Policing Services (COPS), State and Local Law Enforcement Assistance, and Juvenile Justice Programs.

Drug Enforcement Administration (DEA): The DEA's primary focus is the disruption of domestic and international drug trafficking and money laundering organizations. Its activities are divided into three main units: domestic enforcement, international enforcement, and state and local assistance.

United States Secret Service (USSS): The USSS protects the President, Vice President, and their families from potential threats. It protects the White House Complex, Vice President's Residence, and other buildings within Washington, D.C. It also plays an integral role in investigating financial and electronic crimes.

Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF): The ATF is dedicated to protecting the country from the illegal use of firearms and explosives in violent crime and acts of terrorism. ATF also regulates the firearms and explosives industries to ensure that business is conducted in compliance with all applicable laws and regulations.

MANDATORY

Table 3: Mandatory Outlays in Function 750, by Major Program
(In billions of dollars)

	<u>2019</u>	<u>2019-2028</u>
Legal Activities and U.S. Marshals	4.4	26.4
U.S. Citizenship and Immigration Services	3.9	40.8
Office of Justice Programs	3.2	42.4
U.S. Customs and Border Protection	2.1	24.4
Courts of Appeals, District Courts, and other Judicial Services	1.2	13.3
Other 1/	<u>-9.9</u>	<u>-100.0</u>
Total	5.0	47.3

1/Negative figures largely a result of immigration and customs user and examination fees.

USMS: The mandatory portion of this program primarily funds the Assets Forfeiture Fund (AFF). The AFF uses asset forfeiture to deter and dismantle organized crime. It is financed with forfeited cash and the sales proceeds of forfeited property. The Attorney General is authorized to use the AFF to cover expenses associated with forfeiture operations such as seizure, detention, and sale of property under the forfeiture.

U.S. Citizenship and Immigration Services (CIS): CIS, primarily funded through immigration and naturalization application and petition fees, oversees immigration into the United States. It

determines eligibility for work authorizations, processes immigrant visa petitions, processes lawful permanent residency status petitions, and processes asylum and refugee applications.

OJP: OJP’s mandatory funding is used primarily for the Crime Victims Fund (CVF). The CVF provides compensation to victims of crimes and supports victims’ services programs. This is financed by fines and penalties from those convicted of federal crimes. Each state has a crime victim compensation program to assist in medical, funeral, and victim support expenses.

CBP: About 15 percent of CBP’s operations and support activity is funded through fees and classified as mandatory.

Courts of Appeals, District Courts, and other Judicial Services: Spending classified as mandatory within this program includes salaries for Article III and bankruptcy judges, judicial filing fees, and the Judiciary Information Technology Fund.

TAX EXPENDITURES

There are no tax expenditures associated with this function.

RELEVANT AGENCIES AND CONGRESSIONAL COMMITTEES

Table 4: Discretionary BA in Function 750, by Agency, 2019
(In billions of dollars, excluding emergencies)

Department of Justice	25.6
Department of Homeland Security	27.0
Judicial Branch	7.3
Other	<u>2.6</u>
Total	62.6

Table 5: Mandatory Outlays in Function 750, by Agency
(In billions of dollars)

	<u>2019</u>	<u>2019-2028</u>
Department of Homeland Security.....	-2.8	-30.9
Department of Justice.....	7.7	68.8
Other	<u>0.1</u>	<u>9.4</u>
Total.....	5.0	47.3

Table 6: Discretionary BA in Function 750, by Appropriations Subcommittee, 2019
(In billions of dollars, excluding emergencies)

Commerce, Justice, Science, and Related Agencies (Federal Prisons, FBI, DEA).....	26.4
Financial Services and General Government (Courts and Judicial Services).....	8.7
Homeland Security (CBP, ICE, USSS).....	27.0
Other (Includes Treasury, EEOC, Legal Services Corporation)	<u>0.4</u>
Total.....	62.6

Table 7: Mandatory Outlays in Function 750, by Committee
(In billions of dollars)

	<u>2019</u>	<u>2019-2028</u>
Homeland Security (CBP).....	2.0	24.3
Judiciary (CIS, Assets Forfeiture Fund, Crime Victims Fund).....	6.8	66.3
Ways and Means (Customs user fees, Treasury Forfeiture Fund).....	-4.2	-41.8
Other.....	<u>0.4</u>	<u>-1.5</u>
Total.....	5.0	47.3