

The President's Budget Request: Fiscal Year (FY) 2020

The Trump administration released President Trump's budget request for fiscal year (FY) 2020 on March 11, 2019. This document provides an overview of the Department of Justice's (DOJ) [budget request](#) for its immigration-related responsibilities and compares the request to the amounts [enacted](#) by Congress for FY 2019 and the President's [budget request](#) for FY 2019.

Department of Justice (DOJ)

FY 2020 Requested Discretionary Funding for DOJ: \$29.2 billion [FY 2019 Enacted Funding: \$30.9 billion (5.5 percent decrease); FY 2019 President's Budget Request: \$28 billion (4 percent increase)]. This budget request includes \$72.1 million in "program enhancements" related to immigration enforcement.

- The budget request includes suggested appropriations legislation language that would amend U.S.C. § 1373 to prohibit certain public safety policies adopted by many state and local jurisdictions that limit local law enforcement involvement in federal immigration enforcement. If the language is adopted, local governments would be prohibited from having policies that restrict law enforcement officials from collecting or inquiring into information about an individual's immigration and/or citizenship status, and from communicating this information — along with information about scheduled release date, home and work address, and other information — to the Department of Homeland Security (DHS). It would also require state and local law enforcement agencies to honor Immigration and Customs Enforcement (ICE) detainees. The appropriations language would also condition grants to state and local entities from the Department of Justice and DHS on compliance with these requirements.

Executive Office for Immigration Review: \$673 million. [FY 2019 Enacted Funding: \$563.4 million; (20 percent increase); FY 2019 President's Budget Request: \$563.4 million (20 percent increase)]. The request supports 3,161 positions (2,899 Full Time Equivalent (FTE)) positions, an increase of 600 positions (and 300 FTE). The request includes:

- Funding for an additional 100 new immigration judges and associated support staff (consisting of an attorney position, a legal assistant, and up to two other FTE positions that may include an additional legal assistant, an interpreter, and/or other support staff).
- In addition to the additional immigration judges and supporting teams, the administration is requesting an additional 100 attorney positions for judicial law clerks, who will be used to "manage pending caseload more effectively."
- A transfer of \$4 million to EOIR from U.S. Citizenship and Immigration Services' (USCIS) Immigration Examinations Fee Account (IEFA), which is funded by immigrants applying for immigration status or visas.

- The request also includes funding for additional courtroom and office space.
- The President’s budget request notes that EOIR is undertaking several efforts to “increase adjudicative capacity and help reduce the pending caseload,” which stood at nearly 800,000 at the time the document was drafted. Several strategies are listed, including continual review of resource allocations, making greater use of video conferencing to make use of immigration judges in lower-volume caseload locations, streamlining the immigration judge hiring process and other measures.

U.S. Attorneys: \$2.3 billion [FY 2019 Enacted Funding: \$2.2 billion (5 percent increase); FY 2019 President’s Budget Request: \$2.1 billion (10 percent increase)]. The request includes support for 11,319 positions (10,358 FTE), an increase of 49 FTE positions.

- The document states that the U.S. Attorney’s office “will focus aggressively on illegal immigration,” and notes that, for many years, the Office has made “immigration prosecutions the largest category of criminal cases handled” by the U.S. Attorneys, and the office will continue with these efforts.
- The document also notes that the U.S. Attorneys are “defending an increasing number of civil actions brought by immigration detainees.” A list of challenges includes petitions for constitutionally required bond hearings, challenges to denial of parole and challenges to expedited removal proceedings. The document goes on to say that “[d]efending these civil actions is critical to national security.”

Community Relations Service: \$0 [FY 2019 Enacted Funding: \$15.5 million; FY 2019 President’s Budget Request: \$0 (no change)].

- The Community Relations Service assists state and local communities in the prevention and resolution of tension, violence and civil disorders relating to actual or perceived discrimination based on race, color or national origin. It works with communities to prevent and respond to hate crimes and address tension associated with alleged discrimination.
- As it did in its last budget, the administration proposes to consolidate the functions of the Community Relations Service into the Civil Rights Division.

Office of Justice Programs (OJP) Discretionary Funding: \$1.84 billion [FY 2019 Enacted Funding: \$2.1 billion (12 percent decrease); FY 2019 President’s Budget Request: \$1.45 billion (27 percent increase)]. This request supports 644 positions, a decrease of 67 positions.

- Among other things, the Office of Justice Programs (OJP) works to address public safety needs by supporting law enforcement, prosecution and courts, corrections, and crime reduction programs in state, local, and tribal jurisdictions.
- **Byrne Justice Assistance Grants (JAG) Program: \$405.2 million** [FY 2019 Enacted Funding: \$423.5 million (4 percent decrease); FY 2019 President’s Budget Request: \$402 million (1 percent increase)]. The Byrne JAG program provides funding for state, local and tribal jurisdictions for drug and gang task

forces, crime prevention, body-worn camera programs, domestic violence programs, and border security and justice information sharing initiatives, among other priorities.

- **Community Oriented Policing Services (COPS) Hiring Programs: \$99 million** [FY 2019 Enacted Funding: 228.5 million (57 percent decrease); FY 2019 President's Budget Request: \$99 million (no change)] The administration is proposing to move the functions of the separate COPS office to OJP. The mission of COPS is to advance public safety through the practice of community policing.
- **Victims of Trafficking Grant Program: \$77 million** [FY 2019 Omnibus Appropriations: \$85 million (9percent decrease); FY 2019 President's Budget Request: \$45 million (71 percent increase)]. This program helps combat human trafficking and provides services to trafficking victims.
- The budget request proposes to eliminate the **State Criminal Alien Assistance Program (SCAAP): \$0** [FY 2019 Enacted Funding: \$243.5 million; FY 2019 President's Budget Request: \$0 (No change)]. SCAAP provides federal payments to states and localities that incurred correctional costs for incarcerating undocumented immigrants. The previous administration also attempted to end SCAAP, but Congress continues to maintain or increase funding for the program.

Community Oriented Policing Services (COPS): \$0 [FY 2019 Enacted Funding: \$303.5 million; FY 2019 President's Budget Request: \$0 (no change)]. The request proposes to move the functions of COPS to the Office of Justice Programs (OJP), eliminating the program as its own office with its own funding. Grants appropriated through this office (such as the hiring grants program) are moved to OJP.

Office on Violence against Women: \$492.5 million [FY 2019 Enacted Funding: \$497.5 million (1 percent decrease); FY 2018 President's Budget Request: \$505 million (2.5 percent decrease)]. The request provides for 66 positions (63 FTE).

- The Office on Violence against Women administers programs aimed at reducing violence against women (including immigrant women) and providing assistance for victims of domestic violence.

Environment and Natural Resources Division: \$110.5 million. [FY 2019 current services: \$ 109.6 million (1 percent increase); FY 2019 budget request: \$106 million (4 percent increase)]. The request is for 585 FTE positions, an increase of 5.

- Part of the mission of the Environment and Natural Resources Division is to acquire property by eminent domain. The budget requests an additional 10 positions (6 attorneys) for the taking of private land for border wall construction. Currently, there are 21 positions (10 attorneys) for the border security initiative, so the budget request would boost resources for this task by about 50 percent.
- The budget document notes that the division will play a significant role in implementing the administrations border security policy. The division will “guide the acquisition of land along the U.S.-Mexico border ... and address defensive challenges under a host of environmental, wildlife, procedural and inverse taking statutes....”