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Congress of the United States

House of Representatives

Committee on Appropriations

Washington, DC 20515-6015

April 24, 2013

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The Honorable Eric H. Holder, Jr.
Attorney General
U.S. Department of Justice
Washington, DC 20530

Dear Attorney General Holder:

I write in response to the April 17 letter from Assistant Attorney General Lee J. Lofthus, which described the Department's proposal to use several existing authorities to mitigate the impact of sequestration and thereby avoid the need to implement furloughs in fiscal year 2013. Such furloughs would affect an estimated 59,550 Justice Department staff, some of whom could be placed on unpaid leave for as long as 14 days. Such widespread furloughs would significantly and adversely affect the Department's law enforcement, national security, and criminal justice missions.

The request includes the proposed use under section 211 of \$239,500,000 in deobligated and expired prior year funding in the Federal Bureau of Investigation's Salaries and Expenses account, and \$12,000,000 in deobligated and expired prior year funding in the Bureau of Alcohol, Tobacco, Firearms and Explosives Salaries and Expenses account.

The request also proposes reprogramming of \$2,600,000 in fiscal year 2013 Election Monitoring Program balances within the General Legal Activities decision unit in the Civil Rights Division, Salaries and Expenses account, and \$13,900,000 in fiscal year 2013 Legal Education balances to Criminal Litigation (\$10,981,000) and Civil Litigation (\$2,919,000) decision units in the U.S. Attorneys, Salaries and Expenses account.

Finally, the request proposes the transfer of \$45,000,000 from the U.S. Marshals Service, Federal Prisoner Detention appropriation, to the following fiscal year 2013 appropriations accounts: U.S. Marshals Service, Salaries and Expenses (\$36,462,000); Executive Office for Immigration Review (\$2,153,000); U.S. Parole Commission (\$378,000); U.S. Trustees Program (\$5,343,000); and Office of the Inspector General (\$664,000).

The Committee understands that these actions, taken together, will enable the Department to avoid any furloughs for the remainder of fiscal year 2013, within all its components. This would include the Bureau of Prisons, for which the Committee approved a transfer request on March 18, 2013. Based on this understanding, the Committee does not object to the proposed transfers and reprogramming of funding.

However, I must note that this action will use resources intended for a variety of law enforcement activities and priorities, but now must be used to prevent furloughing critical operational personnel. Had the Department not taken the rash step last year of purchasing the Thomson Prison, those resources would have been available to cushion the impact of the sequestration, and reduce the need to cut into other critical law enforcement and national security requirements.

Sincerely,

Frank R. Wolf
Chairman
Subcommittee on Commerce, Justice, Science,
and Related Agencies

You really created a
mess with your bauling
out the state of Ill with
the Thomson Prison purchase.
This will continue to create
problems for the Justice Dept.
especially the employees.