

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS FOR 2014

HEARINGS BEFORE A SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS HOUSE OF REPRESENTATIVES ONE HUNDRED THIRTEENTH CONGRESS FIRST SESSION

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PART 2A

DEPARTMENT OF JUSTICE Justification of the Budget Estimates



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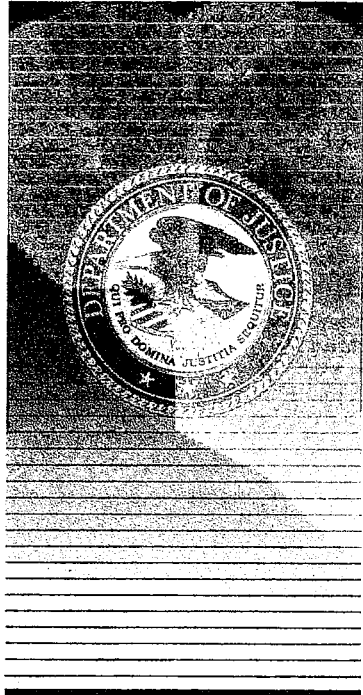
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BUDGET AND PERFORMANCE SUMMARY

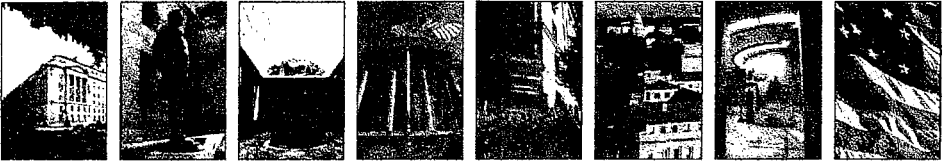
FISCAL YEAR 2014



U.S. DEPARTMENT OF JUSTICE
WWW.JUSTICE.GOV

DEPARTMENT OVERVIEW

www.justice.gov



HISTORY AND ENABLING LEGISLATION

The Department of Justice, often referred to as the largest law office in the world, began in 1789 with a staff of two: the Attorney General and a clerk. The Judiciary Act of 1789 created the Office of the Attorney General, providing for the appointment of "a person, learned in the law, to act as attorney-general for the United States." By 1870, the duties of the Office of the Attorney General had expanded so much that Congress adopted "An Act to establish the Department of Justice." As its head, the Attorney General is the chief litigator and the chief law enforcement officer of the United States.

MISSION

The Department of Justice serves to enforce the law and defend the interests of the United States according to the law; to ensure public safety against threats foreign and domestic; to provide federal leadership in preventing and controlling crime; to seek just punishment for those guilty of unlawful behavior; and to ensure fair and impartial administration of justice for all Americans.

STRATEGIC GOALS

GOAL I: Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law

GOAL II: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law

GOAL III: Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal, and International Levels

LOCATION

The Department is headquartered in Washington, DC, at the Robert F. Kennedy Building, occupying a city block bounded by 9th and 10th Streets and Pennsylvania and Constitution Avenues, NW. The Department also has field offices in all states and territories and maintains offices in over 100 countries worldwide.

COMPONENT ORGANIZATIONS

Attorney General
Deputy Attorney General
Associate Attorney General
Antitrust Division (ATR)
Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
Bureau of Prisons (BOP)
Civil Division (CIV)
Civil Rights Division (CRT)
Community Oriented Policing Services (COPS)
Community Relations Service (CRS)
Criminal Division (CRM)
Drug Enforcement Administration (DEA)
Environment & Natural Resources Division (ENRD)

Executive Office for Immigration Review (EOIR)
Executive Office for Organized Crime Drug Enforcement Task Forces (OCDETF)
Executive Office for U.S. Attorneys (EOUSA)
Executive Office for U.S. Trustees (UST)
Federal Bureau of Investigation (FBI)
Foreign Claims Settlement Commission (FCSC)
INTERPOL Washington
Justice Management Division (JMD)
National Security Division (NSD)
Office of Information Policy (OIP)
Office of Legal Counsel (OLC)
Office of Legal Policy (OLP)
Office of Legislative Affairs (OLA)
Office of the Inspector General (OIG)

Office of the Pardon Attorney (OPA)
Office of Justice Programs (OJP)
Office of Professional Responsibility (OPR)
Office of Public Affairs
Office of the Solicitor General (OSG)
Office of Tribal Justice (OTJ)
Office on Violence Against Women (OVW)
Professional Responsibility Advisory Office (PRAO)
Tax Division (TAX)
U.S. Attorneys (USAO)
U.S. Marshals Service (USMS)
U.S. Parole Commission (USPC)

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I. Summary of Request and Performance

U.S. DEPARTMENT OF JUSTICE OVERVIEW

Organization: Led by the Attorney General, the Department of Justice (DOJ or the Department) is comprised of about 40 components that have a broad array of national security, law enforcement, and criminal justice system responsibilities. DOJ prosecutes federal law offenders and represents the U.S. Government in court; its attorneys represent the rights and interests of the American people and enforce federal criminal and civil laws, including antitrust, civil rights, environmental and tax laws; its Immigration Judges ensure speedy justice for immigrants in removal proceedings; its special agents investigate organized and violent crime, illegal drugs, gun and explosives violations; its deputy marshals protect the federal judiciary, apprehend fugitives and transport persons in federal custody; and its correctional officers confine convicted federal offenders, some of whom are illegal immigrants. DOJ also provides grants and training to state, local, and tribal law enforcement partners and brings together national security, counterterrorism, counterintelligence, and foreign intelligence surveillance operations under a single authority.

Thomas Jefferson wrote, "The most sacred of the duties of government [is] to do equal and impartial justice to all its citizens." This sacred duty to fulfill the promise of justice for all remains the guiding ideal for the men and women of the Department in carrying out their mission:

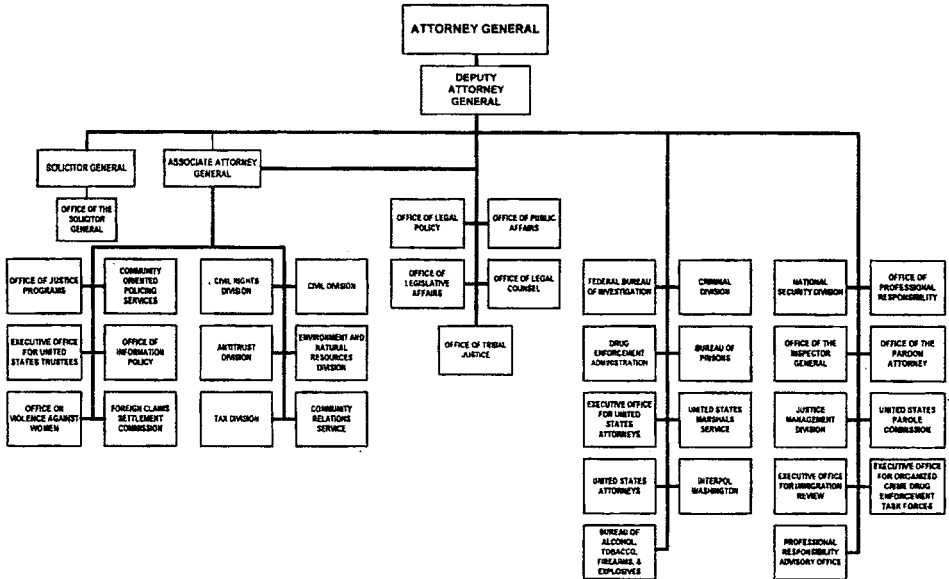
"To enforce the law and defend the interests of the United States according to the law; to ensure public safety against threats foreign and domestic; to provide federal leadership in preventing and controlling crime; to seek just punishment for those guilty of unlawful behavior; and to ensure fair and impartial administration of justice for all Americans."

Statutory Authority: The Judiciary Act of 1789, ch. 20, sec. 35, 1 Stat. 73, 92-93 (1789) created the Office of the Attorney General. In 1870, after the post-Civil War increase in the amount of litigation involving the United States necessitated the very expensive retention of a large number of private attorneys to handle the workload, a concerned Congress passed the Act to Establish the Department of Justice, ch. 150, 16 Stat. 162 (1870) setting it up as "an executive department of the government of the United States" with the Attorney General as its head. The Act gave DOJ control over all criminal prosecutions and civil suits in which the United States had an interest. In addition, the Act gave the Attorney General and the Department control over federal law enforcement, establishing the Attorney General as the chief law enforcement officer of the Federal Government. Finally, to assist the Attorney General, the Act created the Office of the Solicitor General.

The Act is the foundation upon which DOJ still rests. However, the structure of the Department has changed and expanded over the years, with the addition of the Deputy Attorney General and the Associate Attorney General, as well as the formation of the components. Unchanged is the steadily increasing workload of the Department. It has become the world's largest law office and the central agency for enforcement of federal laws.

Organization Chart:

U.S. DEPARTMENT OF JUSTICE



Approved by ERIC H. HOLDER JR. Date 11/26/12
Attorney General

More information may be found at: www.justice.gov/agencies/index-list.html

U.S. Department of Justice

FY 2014 Budget Request At A Glance Discretionary Budget Authority

FY 2012 Enacted:	\$26.8 billion (113,543 positions)
FY 2014 Budget Request:	\$27.6 billion (116,512 positions)
Change from FY 2012 Enacted:	3.1% (2,969 positions)

Resources:

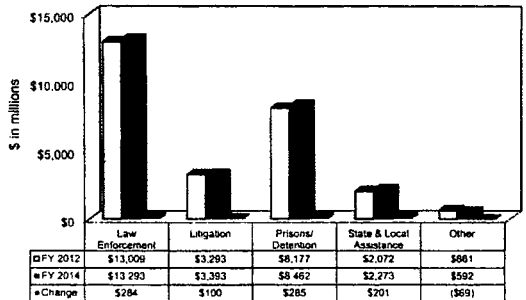
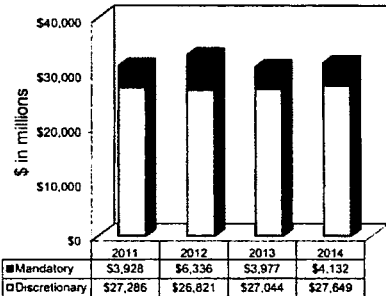
The DOJ FY 2014 Budget totals \$27.6 billion in discretionary budget authority, which is 3.1% above the FY 2012 Enacted level. The FY 2014 DOJ Budget delineated by category is: law enforcement (48%); litigation (12%); prisons and detention (31%); administration/technology/other (2%) and grants (8%). In addition, DOJ is estimated to receive \$4 billion in mandatory budget authority in FY 2014.

Personnel:

DOJ's FY 2014 request includes 116,512 positions (direct only), which is an increase of 2,969 positions over the FY 2012 Enacted level. This staffing level is comprised of: Agents (23,989 or 21%); Attorneys (9,990 or 9%); Correctional Officers (20,911 or 18%); Intelligence Analysts (4,473 or 4%); and Other (57,149 or 49%). "Other" captures administrative, clerical, analysts, information technology specialists, legal services, and security specialists.

Funding (FY 2011 – 2014)

Budget by Category



Note: The increase in the FY 2012 mandatory level is due to actual receipts and obligations in the AFF related to extraordinarily large cases.

Note: 2013 is annualized Continuing Resolution level in effect on 2/28/2013 without reduction for sequestration.

Note: Does not include ATR and USTP fees.

FY 2014 BUDGET SUMMARY

The Department's FY 2014 Discretionary Budget request totals \$27.6 billion, which is a 3.1 percent increase over the FY 2012 level of \$26.8 billion. The request maintains capacity to support the Attorney General's four core priorities: protecting the American people from terrorism and other national security threats, combating violent crime, eradicating financial fraud, and safeguarding the most vulnerable members of society. Our people work tirelessly to forge and strengthen essential partnerships – with international allies, as well as federal, state, local and tribal law enforcement leaders – that enable us to carry out DOJ's critical missions more efficiently, and effectively, than ever before.

For FY 2014, additional resources totaling \$566.7 million are requested for technical and base adjustments to maintain existing missions. Key investments are proposed in national security, cyber security, the President's gun safety initiative, financial fraud law enforcement, and for managing the federal prison and detention populations. This request also supports growth in other Department priority missions, including immigration courts and civil rights enforcement. The FY 2014 investments in federal program mission areas total \$621.8 million. Additionally, the request supports necessary funding for our state, local, and tribal partners, including an increase of \$201.3 million over the FY 2012 level.

Further, this budget request achieves savings and efficiencies by restructuring DOJ operations in information technology spending. The request also proposes responsible program offsets and rescissions of prior year balances to federal programs totaling \$562.5 million. The Department has made difficult choices to develop a budget that recognizes the necessity of working smarter and more efficiently, while protecting the safety and security of the American people, critical national infrastructure, and global financial markets.

	(\$000)
2012 Enacted	\$26,820,504
Technical and Base Adjustments	+566,691
2014 Current Services	\$27,387,195
Federal Program Investments:	+621,780
<i>National Security</i>	+14,015
<i>Gun Safety</i>	+173,078
<i>Cyber Security</i>	+92,632
<i>Financial Fraud Law Enforcement</i>	+55,000
<i>Other DOJ Priorities</i>	+50,845
<i>Prisons and Detention</i>	+236,210
Federal Program Offsets and Balance Rescissions:	-561,436
<i>Subtotal,</i>	
<i>Federal Programs Net Change:</i>	+59,316
Grant Programs Net Change:	+201,305
2014 DOJ REQUEST	\$27,648,844

Funding Highlights:

- **Current Services** – Maintains existing federal program missions, investing \$566.7 million over 2012. This includes adjustments in key areas where there is little short-term flexibility, such as rent costs, foreign expenses, prison operations, and restoring one-time rescissions of balances. The request also funds employee pay adjustments.
- **National Security** – Maintains critical counterterrorism and counterespionage programs and sustains intelligence gathering and surveillance capabilities. The Budget invests \$14 million for technological and human capital resources, to detect, disrupt, and deter threats to our national security.
- **Gun Safety** – Supports the Administration's plans to reduce gun violence by investing \$395 million, including \$173 million in federal program investments and a total of \$222 million in grant programs. The Budget requests \$100 million to double the existing capacity of the Federal Bureau of Investigation's (FBI) National Instant Criminal Background Check System (NICS) in anticipation of a universal background check requirement and \$73 million for additional Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) investigative and regulatory capabilities, as well as improvements in ATF's tracing and ballistics systems. The \$222 million for grant programs will assist states in making more records available in the NICS system (\$50 million for NCHIP), improve school safety (\$150 million for COPS) and support officer safety programs, including a joint Office of Justice Programs (OJP)/FBI training for active shooter situations (\$15 million in Byrne JAG for VALOR programs), provide for state and local governments to update NICS data with criminal history and mental health information (\$5 million for the

NICS Act Record Improvement Program) and \$2 million to encourage the development of innovative gun safety technology.

- **Cyber Security** – Supports efforts to combat and keep pace with increasingly sophisticated and rapidly evolving cyber threats. The Budget invests \$92.6 million to improve the ability to share information in a timely and accurate manner, research and develop forensic capabilities around a cloud architecture, increase cyber collection and data analysis, provide victim notification and response quickly, and enhance the Department's cyber policy scope. These investments will be made using a whole of government approach that ensures the Administration's cross-agency cyber priorities are met.
- **Financial Fraud Law Enforcement** – Invests \$55 million for economic fraud law enforcement efforts including additional personnel to improve the Department's capacity to investigate and prosecute a broad range of crimes that fall under the definition of financial fraud, including securities and commodities fraud, investment scams, and mortgage foreclosure schemes.
- **Enforce Immigration Laws** – Invests \$25.0 million for additional Immigration Judge Teams and Board of Immigration Appeals attorneys to process the increasing workload and improve the efficiency of the immigration program overall. The Budget supports improved immigration court proceedings for detained aliens and provides funding for counsel to vulnerable populations, such as unaccompanied alien children. The Budget also maintains staffing levels for defending the Federal Government in district court cases and challenges to removal orders filed in circuit courts.
- **Civil Rights** – Invests \$7.5 million to support the Department's enforcement of federal civil rights laws, including human trafficking, hate crimes, police misconduct, disability rights, and voting rights. The Budget includes funds to support an increase in workload and responsibilities related to the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, which requires helping communities prevent and respond to violent hate crimes committed on the basis of gender, gender identity, sexual orientation, religion, and disability in addition to race, color, and national origin.
- **Prisons and Detention** – Invests \$236.2 million to maintain secure, controlled, federal criminal detention and prison facilities and additional programming to reduce recidivism. The Budget adds 1,000 new contract beds and resources to begin or continue the activation of five prisons in the pipeline and supports about 3,800 federal and private sector jobs and expansion of reentry programs.
- **State, Local, and Tribal Law Enforcement** – Assists state, local, and tribal law enforcement programs with \$2.3 billion, which is a net increase of \$201.3 million over the FY 2012 level – nearly a 10 percent increase. The Budget includes critical resources for police hiring, violence prevention against women programs, school safety, and general purpose criminal justice programs. The Budget expands programs that have shown success, including new programs that are structured upon evidence-based principles and programs to reduce gun violence.

DISCRETIONARY BUDGET AUTHORITY (BA)

The table below displays the Department's FY 2012 Enacted level and FY 2014 President's Budget and shows the amount change and the percent change between the FY 2012 Enacted level and FY 2014 request.

	Dollars in Millions				
	FY 2012 Enacted	FY 2013 Continuing Resolution ¹	FY 2014 President's Budget	Change FY 2014 over FY 2012	% Change FY 2014 over FY 2012
Federal Programs					
Law Enforcement Components	13,009	13,089	\$13,293	\$284	2.2%
Litigating Components	3,293	3,312	3,393	100	3.0%
Admin/Technology/Other	661	666	592	(69)	-10.4%
<i>Subtotal, DOJ Operations</i>	<i>16,964</i>	<i>17,067</i>	<i>17,278</i>	<i>314</i>	<i>1.9%</i>
Prisons and Detention	8,177	8,227	8,462	285	3.5%
Subtotal, Federal Programs (BA)	25,141	25,294	25,748	599	2.4%
State and Local Grants	2,072	2,085	2,273	201	9.7%
Subtotal, Discretionary BA w/o Mandatory Savings	27,213	27,379	28,013	800	2.9%
ATR and USTP Fees	(392)	(335)	(364)	28	-7.1%
Subtotal, Discretionary BA with Fees and w/o Mandatory Savings	26,821	27,044	27,649	828	3.1%
Scorekeeping Credits ²	[8,553]	(8,553)	(11,306)	[2,753]	-321.9%
Total, Net Discretionary (BA)	\$26,821	\$18,491	\$16,343	(10,478)	-39.1%

¹ FY 2013 is annualized Continuing Resolution level in effect on 2/28/2013 without reduction for sequestration.

² Scorekeeping, or "Mandatory Savings," reflect credits applied to DOJ's discretionary budget authority from the Crime Victims Fund (CVF) and the Assets Forfeiture Fund (AFF). For FY 2014, the CVF credit estimate is \$10.6 billion, an increase of \$2.8 billion from the FY 2012 level of \$7.9 billion, and the AFF credit estimate is \$675 million, which is the same level as FY 2012.

MAINTAIN CURRENT SERVICES

The FY 2014 request includes \$566.7 million in federal program adjustments to "keep the lights on," pay the staff, and sustain priority increases provided to the Department:

People +\$224.4 million

- \$115.3 million for benefit adjustments for approximately 114,000 authorized positions, including retirement and health insurance contributions
- \$92.7 million for the 1.0 percent government-wide civilian pay raise proposed for 2014 (9 months)
- \$16.4 million for the 0.5 percent government-wide civilian pay raise initially proposed for 2013 (3 months)

Rent and Moves +\$58.1 million

- \$49 million for domestic rent and security increases
- \$9.1 million for lease expirations and moves

Technical and Other Adjustments +\$168.9 million

- \$97.2 million for technical adjustments that restore one-time rescissions of balances to federal programs in the FY 2012 Enacted and includes an adjustment for transfers between DOJ and the Department of Homeland Security (DHS) Immigration Examination Fee Account
- \$20.2 million for expenses associated with DOJ employees in U.S. embassies and consulates
- \$23.5 million for law enforcement legacy radio operations & maintenance, Working Capital Fund support costs for a classified messaging system, and Spectrum Relocation operations & maintenance
- \$28 million for Antitrust Division (ATR) and U.S. Trustee Program (USTP) fee estimate adjustments from FY 2012

Prisons and Detention +\$156.8 million

- \$69.1 million for general prison-related cost adjustments (utilities, food, medical, etc.) to support the projected inmate population (over 224,000 inmates in FY 2014).
- \$43.7 million for existing contract bed costs and prisoner transportation cost adjustments.
- \$44 million to provide full operations funding for two prisons (FCI Berlin, NH, and FCI Aliceville, AL), which received partial funding

in FY 2012 and will add 3,072 beds once fully activated.

Non-Recurring Decreases -\$41.5 million

- -\$19.7 million non-recurrence of prior year FBI funding used for acquisition and outfitting of two aircraft
- -\$11.9 million FBI non-recurrence of prior year equipment costs
- -\$10 million Drug Enforcement Administration (DEA) non-recurrence of construction funding

The key program funding requested in the Department's FY 2014 Budget is as follows:

NATIONAL SECURITY

Defending national security from both internal and external threats remains the Department's highest priority. National security threats are constantly evolving and adapting, requiring additional resources to address new critical areas. Increasing global access to technological advancements results in new vulnerabilities that must be addressed. The FY 2014 Budget request provides a total of \$4.4 billion to maintain critical counterterrorism and counterespionage programs and sustain recent increases related to intelligence gathering and surveillance capabilities. This request includes \$14 million in program increases that provide essential technological and human capital to detect, disrupt, and deter threats to our national security.

The FBI uses intelligence and investigations to deter, detect, and disrupt national security threats and protect and defend the United States against terrorism and foreign intelligence threats. In FY 2012, the FBI dedicated approximately 4,200 agents to investigate more than 33,000 national security cases. Since FY 2001, the FBI has expanded the locations of the Legal Attaché Program by over 40 percent to support the FBI's core investigation priorities through liaison and operational interaction with foreign law enforcement counterparts and the overseas intelligence community.

The National Security Division (NSD) is responsible for overseeing terrorism investigations and prosecutions; handling counterespionage cases and matters; and assisting the Attorney General and other senior Department and Executive Branch officials in ensuring that the national security-related

investigations and activities of the United States are consistent with the Nation's laws, rules, and regulations, including privacy interests and civil liberties. In coordination with the FBI, the Intelligence Community, and the U.S. Attorneys' Offices, the NSD's primary operational functions are to prevent acts of terrorism and espionage from being perpetrated in the United States by foreign powers and to facilitate the collection of information regarding the activities of foreign agents and powers.

Other DOJ components have also made critical investments to protect U.S. citizens and secure our homeland. In FY 2014, other DOJ components will invest \$852 million to continue critical efforts to protect the United States from national security threats.

GUN SAFETY

Gun violence has touched every state, county, city, and town in America. While the United States has seen the devastating examples of it over the years, since December's horrific events in Newtown, Connecticut, the need to address this problem has taken center stage. The Department has been working with the Administration to formulate concrete, common-sense recommendations for reducing gun violence and preventing future tragedies.

The Administration has proposed a range of legislative remedies – along with 23 executive actions – to address mass shootings and reduce gun violence. The Department of Justice is working to implement a number of those executive actions.

These implementation actions include working to strengthen the national background check system by addressing gaps in the federal and state records currently available in NICS. Those gaps significantly hinder the ability of NICS to quickly confirm whether a prospective purchaser is prohibited from acquiring a firearm. To help fix this problem, the Department is providing \$20 million in grants during FY 2013 to states to assist them in finding ways to make more records available, especially mental health records. In FY 2014, the Department is requesting \$50 million in grant funding to further assist states in making more records available in the NICS system.

We are also taking a hard look at our federal laws and our enforcement priorities to ensure that we are doing everything possible at the federal level to keep firearms away from traffickers and other criminals. In addition, the

ATF will soon be publishing instructions on how to trace recovered firearms. To further support the enforcement of federal laws and additional federal, state, and local trace requests, the Department is requesting \$51.1 million for ATF to support additional investigative and regulatory resources as well as improvements in ATF's tracing system. The Department is also requesting \$22 million, for a total of \$50 million, to enhance the National Integrated Ballistics Information Network (NIBIN) and better support law enforcement's ability to connect incidents of criminal firearms use.

And while most of the Department's efforts will be focused on keeping guns out of the wrong hands, we also want to help those on the ground prevent and mitigate violent situations when they do occur. To this end, OJP, with the support of the FBI, will be providing a new specialized training course for active shooter situations for law enforcement officers, first responders, and school officials. The Department is requesting an increase of \$13 million, for a total of \$15 million, to support this training and other officer safety initiatives. To further prevent future tragedies like the one in Newtown, the Department is also requesting \$150 million in grant funding to enable states to hire additional school resource officers and to purchase school security equipment.

The Department recognizes that gun violence is not just a federal problem, and our law enforcement partners at the state, local, and tribal levels are doing some of the hardest and most important work to keep our people safe and our cities, neighborhoods, and schools secure. Working together on these and other efforts, we will help reduce gun violence and prevent future tragedies.

CYBER SECURITY

Cyber crimes are becoming more common, more sophisticated, and more dangerous. Our adversaries increasingly use computers and the Internet to further their illicit activities. Terrorists seek to sabotage critical infrastructure; organized crime syndicates seek to defraud banks and corporations; and spies seek to steal defense and intelligence secrets and intellectual property. Each threatens our Nation's economy and security.

The Department has a unique and critical role in cyber security that emphasizes domestic mitigation of threat actors and involves countering the threat by investigating and prosecuting intrusion cases, gathering

intelligence in support of nation state attribution, and providing legal and policy support to other departments. The Department is also responsible for establishing effective internal network defense and serving as a model for other departments and agencies.

The Department is committed to carrying out its role consistent with the Administration's Executive Order on Improving Critical Infrastructure Cyber Security, which emphasizes intelligence and information sharing as well as the preservation of privacy, data confidentiality, and civil liberties. One of the most important aspects of the Executive Order is its emphasis on improving government mechanisms for providing timely cyber threat information to the private sector so it may better protect and defend itself against cyber threats. Under the Executive Order, each federal department and agency is also required to develop and implement privacy and civil liberties safeguards in concert with its cyber security activities.

The Department's FY 2014 Budget provides a total of \$668 million in cyber resources to address computer intrusions and cybercrimes and defend the security of the Department's critical information networks. This request includes an increase of \$92.6 million to support efforts to combat and keep pace with increasingly sophisticated and rapidly evolving cyber threats.

For the FBI, the budget includes an increase of \$86.6 million to support the FBI's Next Generation Cyber Initiative, which will more strategically focus the FBI's efforts on the greatest cyber threat — intrusions into government and industry computer networks. Resources are provided to enhance the technical capabilities of FBI investigative personnel, increase cyber investigations, and improve cyber collection and analysis.

For the National Security and Criminal Divisions, the budget includes an increase of \$6.1 million to bolster prosecutorial efforts, strengthen policy development and legal oversight (including advice to investigative agencies and to agencies conducting network defense activities that implicate surveillance statutes), and enhance international cooperation and outreach.

Lastly, the Department continues to maintain and strengthen its own cyber security environment to counter cyber threats, including insider threats, and to ensure its personnel have unimpeded access to the IT systems, networks, and data necessary to achieve their missions.

The Department has made significant investments to implement sound network security best practices and technology. Our work in this area prepares us to fulfill our cyber security responsibilities during a cyber event and establishes the Department as a model of effective and efficient network defense.

FINANCIAL FRAUD LAW ENFORCEMENT

The Administration remains committed to investigating and punishing financial and mortgage fraud that harm the American people and the financial markets — misconduct that is believed to have contributed to the worst economic crisis in recent history. The Department plays a crucial role in these ongoing efforts, through investigations and criminal and civil litigation. Over the last three fiscal years alone, the Department has filed nearly 10,000 financial fraud cases against nearly 15,000 defendants, including more than 2,900 mortgage fraud defendants. This initiative was included in the FY 2013 President's request, but funding for it was not provided in FY 2013.

The Department's commitment to build upon the progress that has been made to date has never been stronger. The Department thus requests program increases totaling \$55 million to support these critical economic fraud enforcement efforts focused on financial institutions and the mortgage industry, including work being done by the DOJ members of the President's Financial Fraud Enforcement Task Force and the Residential Mortgage-Backed Securities (RMBS) Working Group announced by the President in 2012. This increase will support additional civil litigators, criminal prosecutors, in-house investigators, forensic accountants, paralegals, and other support positions to expand the Department's capacity to investigate and punish allegations of financial and mortgage fraud.

To that end, the FY 2014 Budget requests a total program increase of \$55 million (including \$13.5 million for case funding, investigative tools and automated litigation support) for this high priority. The \$55 million request seeks 328 additional positions, including 40 FBI agents, 184 attorneys, 49 in-house investigators, 31 forensic accountants, 16 paralegals, and 8 support staff. Of the total increase, \$37.4 million is to increase criminal enforcement efforts and \$17.6 million is to increase civil enforcement efforts.

The additional resources will support the Department's investigation and prosecution of

the broad range of illegal conduct that fall under the definition of financial fraud, including securities and commodities fraud, investment scams, and mortgage foreclosure schemes. The additional resources will build upon the successes of the President's Financial Fraud Enforcement Task Force that, since its inception in FY 2010, has facilitated increased investigations and prosecutions of financial fraud relating to the financial crisis and economic recovery efforts. The resources will also support the continuing work of the Residential Mortgage-Backed Securities (RMBS) Working Group, a joint federal and state initiative created to strengthen current and future efforts to investigate and punish those responsible for misconduct contributing to the financial crisis through fraud in the origination and pooling of residential mortgages and the securitizing and sales of RMBS. The Working Group, working under the authorities of the Financial Fraud Enforcement Task Force, is co-chaired by senior DOJ and Securities and Exchange Commission officials, along with the New York Attorney General.

ENFORCE IMMIGRATION LAWS

The Department maintains substantial responsibilities with respect to immigration, including enforcement, detention, judicial functions, administrative hearings, and litigation. The Department's Executive Office for Immigration Review (EOIR) maintains a nationwide presence overseeing the immigration court and appeals process. EOIR receives cases directly from the Department of Homeland Security (DHS) enforcement personnel. In recent years, however, the Department's resource enhancements have not kept pace with those received by the various immigration components of DHS, thereby undermining the effectiveness and efficiency of immigration enforcement, adjudication, and detention programs. EOIR's immigration court caseload continues to increase to unsustainable levels. The caseload pending adjudication grew by 42 percent, from 229,000 to 326,000, between FY 2009 and FY 2012.

In order for EOIR to process this increasing workload and to improve the efficiency of the immigration program overall, the Department is requesting a \$25 million program increase, including 211 positions (53 attorneys) for EOIR to support an additional 30 Immigration Judge Teams and 15 Board of Immigration Appeals attorneys. This will allow EOIR to address caseload increases emanating from DHS

programs, including the Secure Communities Initiative and the Criminal Alien Program. Also included in this program increase is \$4 million to expand EOIR's Legal Orientation Program (LOP), which improves immigration court proceedings for detained aliens by increasing their awareness of their rights and the overall process. Another \$4 million in additional funding is included to enable EOIR to create a pilot program that provides counsel to vulnerable populations, such as unaccompanied alien children.

Similarly, the Civil Division's Office of Immigration Litigation (OIL) also plays a crucial role in upholding the enforcement actions of DHS and EOIR. OIL provides the government with the best possible defense in district court cases and challenges to removal orders filed in circuit courts by illegal aliens. The FY 2014 Budget maintains the current staffing levels for OIL.

CIVIL RIGHTS

It is the mission of DOJ to uphold the civil and constitutional rights of all Americans, particularly the most vulnerable members of our society. Accomplishing this requires necessary resources both to investigate and to litigate. The Department's civil rights efforts are enforced by the Civil Rights Division, Community Relations Service, Criminal Division, FBI, INTERPOL-Washington, OJP, Office of the Inspector General, and the U.S. Attorneys' Offices.

The Department maintains substantial responsibilities with respect to enforcing the Nation's civil rights laws and protecting vulnerable populations. The FY 2014 Budget will support the Department's vigorous enforcement of federal civil rights laws – including human trafficking, hate crimes, police misconduct, fair housing, fair lending, disability rights, and voting. As such, the DOJ FY 2014 Budget requests a total of \$258.6 million to help meet the Nation's civil rights challenges. The request includes an additional \$7.5 million in program increases for the Civil Rights Division and Community Relations Service.

For the Civil Rights Division, the FY 2014 Budget request includes \$7 million and 70 positions for programs that require further investment and to support areas the Attorney General has determined warrant specific attention. In particular, \$5.1 million and 50 positions (including 25 attorneys) are requested to strengthen civil rights enforcement efforts across all programmatic areas,

specifically human trafficking, hate crimes, voting rights enforcement, and enforcement of the Civil Rights for Institutionalized Persons Act. In addition, \$1.9 million and 20 positions (including 9 attorneys) are requested to expand civil and criminal enforcement efforts in combating police misconduct. The Division is also included in the Department's Financial and Mortgage Fraud Initiative.

For the Community Relations Service, the Budget includes an increase of \$547,000 and 8 positions to support an increase in workload and responsibilities related to the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (HCPA). The HCPA has greatly expanded the Service's mandate, requiring the Service to help communities prevent and respond to violent hate crimes committed on the basis of gender, gender identity, sexual orientation, religion, and disability in addition to race, color, and national origin. The additional resources will maximize the Service's crisis response across the entire United States and enable it to fulfill both its original mandate and expanded mandate under the HCPA.

PRISONS AND DETENTION

The FY 2014 Budget maintains secure, controlled detention and prison facilities and invests in programs to reduce recidivism. To continue this commitment, the Department requests \$214.6 million in prison and detention adjustments to maintain current services and \$236.2 million for program increases to ensure prisoners are confined in secure facilities and to improve prisoner reentry.

The FY 2014 Budget requests a total of \$8.5 billion for federal prisons and detention, a 3.5 percent increase over the FY 2012 appropriated level. Of this amount, \$6.9 billion is requested for the Bureau of Prisons (BOP), which is a 4 percent increase (\$195.1 million) over FY 2012. Also, \$1.6 billion is requested for the Federal Prisoner Detention appropriation (formerly, the Office of the Federal Detention Trustee), which is a 3.5 percent increase (\$54.9 million) over the FY 2012 enacted detention funding level (not including rescission of balances).

For BOP, the current services level includes resources to fully activate two prisons: Federal Corrections Institution (FCI) Aliceville, AL, and FCI Berlin, NH. These prisons received partial activation funding in FY 2012, and full activation will increase federal prison capacity and

alleviate overcrowding and related security issues.

Program increases totaling \$236.2 million provide for the activations of newly constructed prisons and for new contract beds, allowing BOP to keep pace with the increased number of inmates. Specifically, increases for BOP include \$53.4 million to begin activating two prisons: FCI Hazelton, WV (1,280 beds), and U.S. Penitentiary Yazoo City, MS (1,216 beds), for which construction will be completed in FY 2013. There is \$15 million to renovate the Thomson Correctional Center and \$43.7 million to begin activating the facility as an Administrative-Maximum U.S. Penitentiary in FY 2014. The request also includes \$26.2 million to procure 1,000 new contract beds. These resources are essential for ensuring the secure detention of a growing inmate population.

Included within the \$236.2 million is \$43 million to expand BOP's reentry programs including the Residential Drug Abuse Program, Residential Reentry Centers, and reentry-specific education programs. These resources provide critical opportunities for inmates to successfully transition back into the community.

Further, \$54.9 million in program increases is requested for federal detention to pay for increases in the average daily detainee population and inflationary increases for detention related costs.

PUBLIC SAFETY IN INDIAN COUNTRY

The United States has a unique legal and political relationship with Indian tribes and Alaska Native communities as provided by the Constitution, treaties, court decisions and federal statutes. The Department of Justice in particular has an important legal and moral responsibility to prosecute violent crime in Indian country, because under current law, in much of Indian country, the Department alone has the authority to seek an appropriate sentence when a major crime has been committed. Federal investigation and prosecution of serious violent crime in Indian Country cannot be deferred to a local jurisdiction and therefore federal law enforcement is both the first and only avenue of protection for the victims of these crimes.

The FY 2014 President's Budget requests \$369.5 million in total resources for public safety initiatives in Indian Country. Investments include significant and versatile grant funding for addressing a range of criminal justice issues and

additional resources (\$530,000) for the Office of Tribal Justice (OTJ). OTJ is the primary point of contact in the Department for federally recognized tribes and advises the Department on legal and policy matters pertaining to Native Americans.

PROGRAM OFFSETS AND RESCISSIONS

The FY 2014 request takes a hard look at existing programs and identifies several opportunities to achieve savings – difficult choices, but ones that were made in order to provide and maintain the necessary resources for the Justice functions that are so crucial to this country. The budget also includes rescissions of prior year balances and the percent of funding to allow for smart investments consistent with the nation's government-wide IT review.

\$561 million in federal non-grant program offsets and rescissions of balances are proposed, of which \$237 million are savings, efficiencies, and program offsets. First, the Department examined data on the cost of BOP's annual medical services. By changing internal business practices and renegotiating BOP contracts for procuring medical services, BOP could achieve an estimated \$50 million in savings. Further, savings of \$41 million can be realized by expanding earned good conduct sentence credits for inmates.

The FY 2014 Budget reduces FBI funding by \$2 million for lower priority investigations in order to support higher priority National Security and Cyber investigations. The request also discontinues the use of direct resources on security clearances for state and local task force officers that are not members of the Joint Terrorism Task Forces, for savings to the FBI of \$2.1 million. In addition, DOJ proposes a total of \$393 million in rescissions of prior year balances (\$150 million for FBI, \$92 million for U.S. Marshals Service, \$30 million for BOP, \$30 million for WCF, \$12 million for ATF, and \$10 million for DEA).

STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT

In total, the FY 2014 Budget requests \$2.3 billion for state, local, and tribal law enforcement assistance programs. These funds will allow the Department to continue to support our state, local, and tribal partners who fight violent crime, combat violence against women,

and support victims programs. The FY 2014 request will bolster the Department's efforts to ensure that federal grant funding flows to evidence-based purposes and helps to advance knowledge of what works in state and local criminal justice. The request increases funding for an evaluation clearinghouse; enhances funding for evidence-based competitive programs; and couples formula grant programs with competitive "bonus" funds to incentivize better, evidence-based, uses of funds. The request also includes funding to address school safety and gun violence with additional resources to improve criminal history records information and to fund a comprehensive school safety program.

The Department continues to maintain key partnerships with state, local, and tribal officials and community members. These relationships maximize the Federal Government's ability to fight crime and promote justice throughout the United States. One such partnership is the Community Oriented Policing Service's (COPS) grant program. These grants enable state, local, and tribal police agencies to increase the number of officers available for targeted patrol and other proven strategies designed to prevent and reduce crime. The Budget requests an additional \$241 million for the COPS Program in FY 2014, for a total of \$439.5 million for this program to fund officers. As part of this request, \$150 million will be for a Comprehensive School Safety Program.

The FY 2014 Budget requests a total of \$412.5 million (equal to FY 2012 enacted appropriation) for the Office on Violence Against Women (OVW). This funding will provide communities with the opportunity to combat sexual assault and violence against women. The request includes a \$3.5 million increase to the Rural Domestic Violence and Child Abuse Enforcement Assistance Program. This will improve the safety of children, youth, and adults who are victims of domestic violence, dating violence, sexual assault, and stalking by supporting projects uniquely designed to address and prevent these crimes in rural jurisdictions. The request also consolidates the Safe Havens Program and Court Training and Improvements Program into one competitive program. This consolidation will allow OVW to comprehensively address the challenges that domestic violence victims and protective parents of child sexual abuse face in the civil justice system.

The Department is requesting a total of \$1.5 billion for OJP, approximately the same level as enacted in FY 2012. The request includes funding to expand established programs that have shown to be successful, such as the Residential Substance Abuse Treatment, Second Chance, and Byrne Criminal Justice Innovation Programs. It also proposes to create new competitive grant programs that are structured on evidence-based principles, such as the HOPE nationwide project, and the Justice Reinvestment Initiative. The request includes funding to establish Byrne Incentive Grants and Juvenile Justice Realignment Incentive Grants; these programs will provide supplementary awards to states and localities using base formula grant funds for evidence-based purposes. The OJP request also includes additional funding to address gun violence, including funding for a gun safety research initiative and enhanced funding for the National Criminal History Improvement Program and the VALOR Initiative.

In total, the FY 2014 request of \$2.3 billion for state, local, and tribal law enforcement assistance programs provides a net increase of \$201.3 million over the FY 2012 level. The \$2.3 billion request is net of rescissions totaling \$67.2 million (\$47 million for OJP, \$14 million for COPS, \$6.2 million for OVW).

REQUIREMENTS REQUESTED IN OTHER FEDERAL AGENCY BUDGETS

Health Care Fraud (Department of Health and Human Services) – For FY 2014, the Department is requesting a total of \$299.4 million for reimbursable health care fraud resources, including both mandatory and discretionary Health Care Fraud and Abuse Control (HCFAC) program resources and mandatory FBI Health Insurance Portability and Accountability Act (HIPAA) resources. The total amount includes an increase of \$72.94 million in HCFAC discretionary resources for both criminal and civil health care fraud enforcement efforts, as well as mandatory HCFAC and HIPAA inflationary increases. The request represents an increase of \$76.5 million above FY 2012 and is a sound investment considering the average 3-year return on investment: \$7.90 for every \$1.00 spent on health care fraud enforcement (2012).

The Department's savings initiatives include:

PRESIDENT'S CAMPAIGN TO CUT WASTE

The Department has actively pursued savings and efficiencies in other areas consistent with the President's Campaign to Cut Waste, and will continue to do so in FY 2014. We have reduced spending in the areas of publication, travel, supplies, fleet, advisory contracts, promotional items, and IT devices. The Department plans to decrease spending in these areas by the end of FY 2014 from FY 2010 levels to meet our reduction target of -\$160.8 million.

THE ATTORNEY GENERAL'S SAVE COUNCIL

The Attorney General's Advisory Council for Savings and Efficiencies (the SAVE Council) is responsible for developing and reviewing Department-wide savings and efficiency initiatives, as well as monitoring component progress to ensure positive results for cost savings, cost avoidance, and efficiencies. The Council provides a framework to identify and implement best practices for saving taxpayer money, realizing efficiencies, and monitoring our savings progress. Representatives from selected components were appointed by the Attorney General to serve as members of the SAVE Council, and they have the lead responsibility to develop and report on the savings and efficiency initiatives.

The Department is committed to using its limited resources in the best ways possible for the benefit of the American people. The SAVE Council works to examine and implement ways to work smarter and leaner, focusing on mission essential expenditures, to maximize the taxpayer's "return on investment." From June 2010 through December 2012, the Department has saved or avoided costs of \$122.5 million through several individual initiatives initiated and tracked through the SAVE Council. Initiatives include such actions as reducing custom reports via use of Unified Financial Management System, consolidating wireless and information technology contracts, expanding the use of digital x-rays for the BOP, and discontinuing phone lines and services.

This section outlines the Department's FY 2014 Performance Plan and discusses other recent initiatives to improve agency performance and increase accountability to stakeholders.

FY 2014 PERFORMANCE PLAN

The Department recognizes that performance information is vital to making resource allocation decisions and should be an integral part of the Budget. The Department's current Strategic Plan, covering FYs 2012 – 2016, contains 3 high-level strategic goals and 12 long-term outcome goals. The long-term outcome goals will be tracked and reported in the FY 2013 Annual Performance Report. In February 2014 the Department will issue an updated Strategic Plan that will cover FYs 2014 – 2018.

Under the Government Performance and Results Act of 1993 (GPRA) and the GPRA Modernization Act of 2010 government agencies are required to develop long-term Strategic Plans defining general goals and objectives for their programs, and to develop Annual Performance Plans specifying measurable performance goals for all of the program activities in their Budgets. DOJ provides detailed component-specific Annual Performance Plans within individual Budget submissions, which also serve as the Department's Annual Performance Plan. A more detailed discussion about performance is in Section III.

In FY 2012, the Department developed and implemented a new web-based performance management system that it implemented in the first quarter of FY 2013. DOJ will continue to examine its overall performance management system and implement improvements where necessary. Additional improvement areas include developing trend reports, continuing to improve the quality and utility of performance information, and continuing to work with OMB and other federal agencies to develop mechanisms to target and measure efficiency of law enforcement and regulatory programs.

PRIORITY GOALS AND PERFORMANCE INFORMATION

The Department is committed to the Administration's performance management strategy to use performance information to lead, learn, and improve outcomes. As a key part of this strategy, the Administration directed agencies to identify a limited number of Priority Goals. A Priority Goal is a measurable commitment to a specific result that the agency will deliver for the American people. The Goals represent high priorities for both the Administration and the agency, have high relevance to the public, reflect the achievement of key agency missions, and will produce

significant results over a 12 to 24 month period, specifically FY 2012 – FY 2013. The Priority Goals directly support the Department's FY 2012 - FY 2016 Strategic Plan; however, they reflect a limited number of priorities, and do not fully reflect the entirety of the agency's strategic goals or mission.

The Department has four FY 2012-2013 Priority Goals. See <http://www.goals.performance.gov> for more information about these four Goals. Also, these Priority Goals are a subset of those used to regularly monitor and report performance. To view the full set of performance information please visit: <http://www.justice.gov/O2organizations/bpp.htm>.

National Security – Better inform the Intelligence Community, thereby increasing the ability to protect Americans from terrorism or other threats to national security – both at home and abroad. By the end of FY 2013, the FBI will increase by 6 percent the number of counterterrorism intelligence products shared with the U.S. Intelligence Community, state and local law enforcement community partners, and foreign government agencies.

Status – In FY 2012, the Department exceeded its annual target for the "Number of intelligence products shared with foreign government agencies" by 89 percent and decreased the "Average review time for responding to terrorism-related tips received from the American public" versus the FY 2011 baseline. The Department missed its FY 2012 annual target for the "Number of intelligence products shared with the U.S. Intelligence Community and state and local law enforcement community partners" by 9 percent. The FBI's Counterterrorism Division attributes missing the target for this measure to lower Intelligence Information Report (IIR) production due to an emphasis on producing higher value IIRs over low-value IIRs. The Department will continue to focus on increased intelligence sharing in the effort to combat the terrorist threat.

Violent Crime – Reduce Gang Violence: by September 30, 2013, in conjunction with state and local law enforcement agencies, reduce the number of violent crimes attributed to gangs by achieving 5 percent increases on three key indicators:

- youths who exhibited a change in targeted behaviors as a result of participation in DOJ gang prevention program;

- coordination on gang investigations among federal, state, and local law enforcement resulting in gang arrests; and
- intelligence products produced in support of federal, state, and local investigations that are focused on gangs posing a significant threat to communities.

Status – The Department exceeded its FY 2012 annual targets for all three of its performance measures – “Percentage of program youth who exhibited a change in targeted behaviors while participating in DOJ prevention programs to reduce youth crime and violence (including gangs)”; “number of gang cases supported by the National Gang Targeting, Enforcement, and Coordination Center: Operational Section Gangs (GangTECC/OSG)”; and “intelligence products in support of federal, state, and local investigations that are focused on gangs posing a significant threat to communities” – and anticipates reaching the FY 2013 annual targets, as well.

Financial Fraud – Protect the American people from financial and health care fraud. In order to efficiently and effectively address financial fraud and health care fraud, by the end of FY 2013, increase by 5 percent over FY 2011 levels, the number of investigations completed per DOJ attorney working on financial fraud and health care fraud cases.

Status – The Department did not meet its FY 2012 annual target for its performance goal, “Increase the number of investigations completed per DOJ attorney working on financial fraud and health care fraud cases,” and it is unclear whether the Department will achieve the FY 2013 annual target for this measure. Contributing factors include: the number of health care fraud and financial fraud cases reached all-time highs over the last several years, including the baseline year, FY 2011; the complexity of these health care fraud and financial fraud cases continues to increase, and as complexity increases, attorneys must spend more time on these complex cases, thereby reducing the overall number of investigations completed.

Vulnerable People – Protect those most in need of help - with special emphasis on child exploitation and civil rights. By September 30, 2013, working with state and local law enforcement agencies, protect potential victims from abuse and exploitation by achieving a 5 percent increase for three sets of key indicators:

- open investigations concerning:
 - ✓ non-compliant sex offenders
 - ✓ sexual exploitation of children
 - ✓ human trafficking
- matters/investigations resolved concerning:
 - ✓ sexual exploitation of children
 - ✓ human trafficking
- number of children depicted in child pornography that are identified by the FBI.

Status – The Department exceeded its FY 2012 annual targets for five out of six of its performance measures for this goal and anticipates reaching the FY 2013 annual targets for these five measures. The sixth measure, “Matters/investigations resolved concerning sexual exploitation of children,” reached 87 percent of its FY 2012 target. Slower progress on this measure is due, in part, to two factors: the FY 2012 target was based on matters resolved in FY 2011, during which an unusually large number of matters were resolved, and the increasing sophistication of offenders’ technologies helps them evade detection.

Per the GPRA Modernization Act, 31 U.S.C. 1115(b)(10), requirement to address federal goals in the agency Strategic Plan and Annual Performance Plan, please refer to www.Performance.gov for information on Federal Priority Goals and the agency's contributions to those goals, where applicable.

II. Summary Information by Appropriation

U. S. DEPARTMENT OF JUSTICE
SUMMARY OF BUDGET AUTHORITY BY APPROPRIATION
(Dollars in Thousands)

APPROPRIATION	FY 2012 ENACTED	FY 2013 CONTINUING RESOLUTION ^{1/}	FY 2014 REQUEST	CHANGE FROM 2012 to 2014	% CHANGE FY 2014 OVER FY 2012
GENERAL ADMINISTRATION	\$110,822	\$111,500	\$126,208	\$15,386	13.9%
NATIONAL DRUG INTELLIGENCE CENTER	20,000	20,122	0	-20,000	-100.0%
JUSTICE INFORMATION SHARING TECHNOLOGY	44,307	44,578	25,842	-18,465	-41.7%
DETENTION TRUSTEE	1,580,595	1,590,268	0	-1,580,595	-100.0%
LAW ENFORCEMENT WIRELESS COMMUNICATIONS	87,000	87,532	0	-87,000	-100.0%
ADMINISTRATIVE REVIEW & APPEALS	305,000	306,866	333,147	28,147	9.2%
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW	298,275	300,100	325,569	27,294	9.2%
Transfer from Immigration Fees Account	4,000	4,024	4,000	0	0.0%
PARDON ATTORNEY	2,725	2,742	3,578	853	31.3%
OFFICE OF THE INSPECTOR GENERAL	84,199	84,717	85,845	1,646	2.0%
WORKING CAPITAL FUND (Rescissions)	-40,000	-40,000	-30,000	10,000	-25.0%
U.S. PAROLE COMMISSION	12,833	12,912	13,021	188	1.5%
NATIONAL SECURITY DIVISION	87,000	87,532	96,240	9,240	10.6%
GENERAL LEGAL ACTIVITIES	863,367	868,652	902,605	39,238	4.5%
SOLICITOR GENERAL	10,724	10,790	11,435	711	6.6%
TAX DIVISION	104,877	105,519	106,479	1,602	1.5%
CRIMINAL DIVISION	174,000	175,065	182,499	8,499	4.9%
CIVIL DIVISION	263,103	284,836	297,313	14,210	5.0%
ENVIRONMENT & NATURAL RESOURCES DIVISION	108,009	108,670	112,632	4,623	4.3%
LEGAL COUNSEL	7,605	7,652	7,170	-435	-5.7%
CIVIL RIGHTS DIVISION	144,500	145,384	155,233	10,733	7.4%
INTERPOL	29,754	29,936	29,844	90	0.3%
OFFICE OF DISPUTE RESOLUTION	795	800	0	-795	-100.0%
VACCINE INJURY COMPENSATION TRUST FUND	[7,833]	[7,833]	[7,833]	0	0.0%
ANTITRUST	159,587	160,564	160,410	823	0.5%
U.S. ATTORNEYS	1,960,000	1,971,995	2,007,717	47,717	2.4%
U.S. TRUSTEES	223,258	224,624	225,728	2,470	1.1%
FOREIGN CLAIMS SETTLEMENT COMMISSION	2,000	2,012	2,218	218	10.9%
U.S. MARSHALS SERVICE	1,166,800	1,194,077	2,757,371	1,570,571	132.3%
SALARIES & EXPENSES	1,174,000	1,181,185	1,204,033	30,033	2.6%
Rescission of Prior Year Balances	-2,200	-2,200	-12,200	-10,000	454.5%
CONSTRUCTION	15,000	15,092	10,000	-5,000	-33.3%
FEDERAL PRISONER DETENTION	[1,580,595]	[1,590,268]	1,635,538	1,635,538	0.0%
Rescission of Prior Year Balances	0	0	-80,000	-80,000	-100.0%
COMMUNITY RELATIONS SERVICE	11,456	11,526	12,484	1,008	8.8%
ASSETS FORFEITURE FUND CURRENT BUDGET AUTHORITY	20,948	21,076	20,948	0	0.0%
INTERAGENCY CRIME & DRUG ENFORCEMENT	527,512	530,740	523,037	-4,475	-0.8%
FEDERAL BUREAU OF INVESTIGATION	8,117,973	8,167,655	8,292,669	174,696	2.2%
SALARIES & EXPENSES	8,036,991	8,086,177	8,361,687	324,696	4.0%
Rescission of Prior Year Balances	0	0	-150,000	-150,000	-100.0%
CONSTRUCTION	80,982	81,478	80,982	0	0.0%
DRUG ENFORCEMENT ADMINISTRATION	2,025,000	2,037,454	2,057,952	32,952	1.6%
SALARIES & EXPENSES	2,025,000	2,037,393	2,067,952	42,952	2.1%
Rescission of Prior Year Balances	-10,000	-10,000	-10,000	0	0.0%
CONSTRUCTION	10,000	10,061	0	-10,000	-100.0%
BUREAU OF ALCOHOL, TOBACCO, FIREARMS & EXPLOSIVES	1,152,000	1,159,050	1,217,118	65,118	5.7%
SALARIES & EXPENSES	1,152,000	1,159,050	1,229,518	77,518	6.7%
Rescission of Prior Year Balances	0	0	-12,400	-12,400	-100.0%
FEDERAL PRISON SYSTEM	6,596,281	6,636,926	6,906,394	310,113	4.7%
SALARIES & EXPENSES	6,551,281	6,591,375	6,831,150	279,869	4.3%
BUILDINGS & FACILITIES	90,000	90,551	105,244	15,244	16.9%
Rescission of Prior Year Balances	-45,000	-45,000	-30,000	15,000	-33.3%
FEDERAL PRISON INDUSTRIES (limitation on Administrative Expenses)	2,700	2,700	2,700	0	0.0%
SUBTOTAL, DISCRETIONARY w/o State and Local	25,140,638	25,295,075	25,739,634	598,996	2.4%

U. S. DEPARTMENT OF JUSTICE
SUMMARY OF BUDGET AUTHORITY BY APPROPRIATION
(Dollars in Thousands)

APPROPRIATION	FY 2012 ENACTED	FY 2013 CONTINUING RESOLUTION ^{1/}	FY 2014 REQUEST	CHANGE FROM 2012 to 2014	% CHANGE FY 2014 OVER FY 2012
DISCRETIONARY GRANTS PROGRAMS	2,071,695	2,084,949	2,273,000	201,305	9.7%
OFFICE OF JUSTICE PROGRAMS	1,499,300	1,508,814	1,441,200	-58,100	-3.9%
JUSTICE ASSISTANCE	113,000	113,892	134,400	21,400	18.9%
OJP SALARIES AND EXPENSES	[175,056]	[175,056]	0	0	0.0%
JUVENILE JUSTICE PROGRAMS	262,500	264,107	332,500	70,000	26.7%
STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE	1,162,500	1,188,615	1,005,000	-157,500	-13.5%
PUBLIC SAFETY OFFICERS' BENEFITS	16,300	16,400	16,300	0	0.0%
OJP- wide rescissions	-55,000	-55,000	-47,000	8,000	-14.5%
COMMUNITY POLICING (INCLUDES OJP PROGRAMS)	174,895	176,110	425,500	250,605	143.3%
COMMUNITY POLICING	198,500	199,715	439,500	241,000	121.4%
COPS SALARIES AND EXPENSES	[37,004]	[37,004]	0	0	0.0%
Rescission of Prior Year Balances	-23,605	-23,605	-14,000	9,605	-40.7%
OFFICE ON VIOLENCE AGAINST WOMEN	397,500	400,025	406,300	8,800	2.2%
OFFICE OF VIOLENCE AGAINST WOMEN	412,500	415,025	412,500	0	0.0%
OVW SALARIES AND EXPENSES	[18,186]	[18,186]	0	0	0.0%
Rescission of Prior Year Balances	-15,000	-15,000	-6,200	8,800	-56.7%
SUBTOTAL, DISCRETIONARY w/o Scorekeeping Credits	27,212,333	27,380,024	28,012,634	800,301	2.9%
FEE COLLECTIONS					
Offset from Antitrust Pre-Merger Filing Fee	-110,000	-117,500	-102,300	7,700	-7.0%
Offset from U.S. Trustee Fees and Interest on U.S. Securities	-281,829	-217,862	-261,490	20,339	-7.2%
SUBTOTAL, FEES COLLECTIONS	-391,829	-335,362	-363,790	28,039	-7.2%
SUBTOTAL, DISCRETIONARY with Fees	26,820,504	27,044,662	27,648,844	828,340	3.1%
SCOREKEEPING CREDITS					
CRIME VICTIMS FUND	[-7,818,000]	[-7,878,000]	-10,631,000	-10,631,000	0.0%
ASSETS FORFEITURE FUND	[-675,000]	[-675,000]	-675,000	-675,000	0.0%
SUBTOTAL, SCOREKEEPING CREDITS	0	0	-11,306,000	-11,306,000	0.0%
TOTAL, DOJ DIRECT DISCRETIONARY BA	26,820,504	27,044,662	26,342,844	-10,477,660	-39.1%
MANDATORY AND OTHER ACCOUNTS:					
FEES AND EXPENSES OF WITNESSES (MANDATORY)	270,000	270,000	270,000	0	0.0%
INDEPENDENT COUNSEL (PERMANENT INDEFINITE)	500	500	500	0	0.0%
RADIATION EXPOSURE COMPENSATION TRUST FUND (MANDATORY)	94,000	94,000	82,000	-12,000	-12.8%
PUBLIC SAFETY OFFICERS' DEATH BENEFITS (MANDATORY)	62,000	62,000	65,000	3,000	4.8%
ASSETS FORFEITURE FUND (PERMANENT BUDGET AUTHORITY)	3,706,158	1,403,052	1,556,996	-2,149,162	-58.0%
ANTITRUST PRE-MERGER FILING FEE COLLECTIONS	110,000	117,500	102,300	-7,700	-7.0%
U. S. TRUSTEES FEE COLLECTIONS	281,829	217,862	261,490	-20,339	-7.2%
CRIMINAL JUSTICE INFORMATION SERVICES (FBI)	433,000	433,000	433,000	0	0.0%
DIVERSION CONTROL FEE	322,000	351,937	360,917	38,917	12.1%
9/11 VICTIM COMPENSATION FUND	322,000	322,000	200,000	-122,000	-37.9%
CRIME VICTIMS FUND	705,000	705,000	800,000	95,000	13.5%
SUBTOTAL, MANDATORY AND OTHER ACCOUNTS	6,306,487	3,976,851	4,132,203	-2,174,284	-34.5%
TOTAL BA, DISCR & MANDATORY, DEPT. OF JUSTICE	33,126,991	31,021,513	20,475,047	-12,651,944	-38.2%
HEALTH CARE FRAUD REIMBURSEMENTS					
HCFAC MANDATORY REIMBURSEMENT	61,225	61,600	135,354	74,129	121.1%
FBI-HEALTH CARE FRAUD - Mandatory	131,872	132,679	137,872	6,000	4.5%
HCFAC DISCRETIONARY REIMBURSEMENT	29,674	29,856	29,789	115	0.4%
SUBTOTAL, HEALTH FRAUD REIMBURSEMENTS	222,771	224,135	303,015	80,244	36.0%
TOTAL BA, DEPARTMENT OF JUSTICE, WITH OFFSET	33,349,762	31,245,648	20,778,062	-12,571,700	-37.7%

^{1/} The 2013 Continuing Resolution in effect on 2/28/2013 includes the 0.612% funding above current rate, provided by P.L. 112-175, sec. 101 (c) and excludes the reduction for sequestration of \$1.66 billion.

DEPARTMENT OF JUSTICE
DOJ DIRECT DISCRETIONARY BUDGET AUTHORITY
FY 2014 SUMMARY OF CHANGES BY ORGANIZATION
(Dollars in Thousands)

	FY 2014 President's Budget				
	Pos.	Atty	Agents	FTE	Amount
2012 Enacted with Scorekeeping (for information)	113,543	9,648	43,531	114,986	26,820,504
2012 Enacted	113,543	9,648	43,531	114,986	27,212,333
2013 Continuing Resolution " with Scorekeeping (for information)	113,543	9,651	43,566	114,285	27,009,421
2013 Continuing Resolution "	113,543	9,651	43,566	107,026	27,401,281
2013 Reimbursable FTE - Base				7,259	
2013 Continuing Resolution " with Reimb FTE	113,543	9,651	43,566	114,285	27,401,281
Technical Adjustments					
Adjustment - 2013 CR 0.612%	0	0	0	0	-167,678
Adjustment - Hurricane Sandy Relief	0	0	0	0	-21,250
DHS Immigration Examination Fee Account	0	0	0	0	-4,000
Restoration of Rescission - BOP B&F	0	0	0	0	45,000
Restoration of Rescission - COPS	0	0	0	0	23,605
Restoration of Rescission - DEA S&E	0	0	0	0	10,000
Restoration of Rescission - OJP-wide	0	0	0	0	55,000
Restoration of Rescission - OVW	0	0	0	0	15,000
Restoration of Rescission - USMS S&E	0	0	0	0	2,200
Restoration of Rescission - WCF	0	0	0	0	40,000
Technical Adjustment - OFDT	-27	-2	0	-19	-1,580,595
Technical Adjustment - USMS FPD	27	2	0	19	1,580,595
Subtotal, Technical Adjustments	0	0	0	0	-2,123
2014 CR - w/o 0.612% Increase with Tech Adj & Reimb FTE	113,543	9,651	43,566	114,285	27,399,138
Base Adjustments					
ATB Transfers					
Transfers - Administrative Positions - From OLC	6	0	0	6	570
Transfers - Administrative Positions - To OSG	-6	0	0	-6	-570
Transfers - DHS Immigration Examination Fee Account	0	0	0	0	4,000
Transfers - JABS - From JIST	-5	0	0	0	-9,500
Transfers - JABS - To Components	0	0	0	0	9,500
Transfers - JCON and JCON S/TS - To Components	0	0	0	0	17,529
Transfers - JCON and JCON S/TS Transfers - From JIST	-8	0	0	0	-17,529
Transfers - NDIC - To Components	57	0	0	0	8,026
Transfers - NDIC - To DEA	-57	0	0	0	-8,026
Transfers - New Technology - From LEWC	-35	0	0	-5	-87,000
Transfers - New Technology - To Components	35	0	0	35	87,000
Transfers - Office of Information Policy (OIP) - From Components	0	0	0	0	-6,988
Transfers - Office of Information Policy (OIP) - To GA	43	20	0	43	6,988
Transfers - Office of Legal Policy (OLP) - From Components	-3	-2	0	0	-795
Transfers - Office of Legal Policy (OLP) - To GA	3	3	0	3	795
Transfers - Office of Professional Responsibility (OPR) - From Components	-3	-3	0	-3	-818
Transfers - Office of Professional Responsibility (OPR) - To GA	3	3	0	3	818
Transfers - Office of Tribal Justice (OTJ) - From Components	-4	-4	0	-4	-1,086
Transfers - Office of Tribal Justice (OTJ) - To GA	4	3	0	4	1,086
Transfers - Professional Responsibility Advisory Office (PRAO) - From Components	0	0	0	0	-3,675
Transfers - Professional Responsibility Advisory Office (PRAO) - To GA	18	10	0	18	3,675
Subtotal, ATB Transfers	48	30	0	94	4,000
Pay & Benefits					
2014 Pay Raise	0	0	0	0	92,693
Annualization of 2011 Positions	0	0	0	12	0
Annualization of 2012 Approved Positions	0	0	0	6	0
Annualization of 2012 Approved Positions (3rd Year)	0	0	0	79	190
Annualization of 2013 Approved Positions (2nd Year)	[49]	0	0	54	0
Annualization of 2013 Pay Raise	0	0	0	0	16,382
Base Pay Adjustment	0	0	0	0	400
Changes in Compensable Days	0	0	0	0	16,167

DEPARTMENT OF JUSTICE
DOJ DIRECT DISCRETIONARY BUDGET AUTHORITY
FY 2014 SUMMARY OF CHANGES BY ORGANIZATION
(Dollars in Thousands)

	FY 2014 President's Budget				
	Pos.	Atty	Agents	FTE	Amount
Employees Compensation Fund	0	0	0	0	6,602
FERS Rate Increase	0	0	0	0	2
Health Insurance	0	0	0	0	61,660
Position/FTE Adjustment	-2	2	0	-4	0
Retirement	0	0	0	0	30,281
Subtotal, Pay & Benefits	-2	2	0	147	224,357
Domestic Rent & Facilities					
Guard Service	0	0	0	0	1,475
GSA Rent	0	0	0	0	43,054
Moves	0	0	0	0	9,111
Rental Payments - Non-GSA	0	0	0	0	4,480
Subtotal, Domestic Rent & Facilities	0	0	0	0	58,120
Other Adjustments					
Working Capital Fund	0	0	0	0	826
Base Adjustment	0	0	0	0	113
Other Adjustments to Base	0	0	0	0	46
Legacy Radio O&M	0	0	0	0	11,707
Spectrum Relocation	0	0	0	0	10,773
Subtotal, Other Adjustments	0	0	0	0	23,465
Foreign Expenses					
Post Allowance - Cost of Living Allowance (COLA)	0	0	0	0	1,851
Capital Security Cost Sharing	0	0	0	0	9,223
Education Allowance	0	0	0	0	1,356
ICASS	0	0	0	0	5,026
Living Quarters Allowance (LQA)	0	0	0	0	40
Government Leased Quarters (GLQ)	0	0	0	0	2,956
Subtotal, Foreign Expenses	0	0	0	0	20,252
Prison and Detention					
Inmate Care - BOP	0	0	0	0	-7,135
Annualization of 2011 Activation FCI Berlin, NH	0	0	0	94	12,775
Annualization of 2012 Activation FCI Aliceville, AL	0	0	0	189	31,216
Existing Contract Bed Adjustments - BOP	0	0	0	0	41,645
Food Cost Adjustments (BOP)	0	0	0	0	16,772
JPATS Increase (BOP)	0	0	0	0	2,031
Medical Cost Adjustments (BOP)	0	0	0	0	37,160
Utility Costs Adjustments - BOP	0	0	0	0	22,337
Subtotal, Prison and Detention	0	0	0	283	166,801
Non-Personnel Related Decreases					
Non-Recrural of FY 2012 Render Safe Enhancement	0	0	0	0	-19,656
Non-Recrural of FY 2011 Non-Personnel	0	0	0	0	-11,887
Non-Recrural of Non-Personnel	0	0	0	0	-10,000
Positions Associated with Construction Projects	-36	0	0	0	0
Subtotal, Non-Personnel Related Decreases	-36	0	0	0	-41,543
Subtotal, Base Adjustments	10	32	0	524	445,452
Subtotal, Technical and Base Adjustments	10	32	0	524	443,329
2014 Current Services w/o Reimbursable FTE	113,553	9,683	43,566	107,559	27,844,590
ATB Reimbursable FTE Changes					
ATB Reimbursable FTE Adjustment	0	0	0	31	0
Subtotal, ATB Reimbursable FTE Changes	0	0	0	31	0
2014 Current Services with Reimbursable FTE	113,553	9,683	43,566	114,840	27,844,590

DEPARTMENT OF JUSTICE
DOJ DIRECT DISCRETIONARY BUDGET AUTHORITY
FY 2014 SUMMARY OF CHANGES BY ORGANIZATION
(Dollars in Thousands)

	FY 2014 President's Budget				
	Pos.	Atty	Agents	FTE	Amount
Program Changes					
General Administration					
Office of Tribal Justice	3	3	0	3	530
Program Offset - Admin Efficiencies	0	0	0	0	-200
Program Offset - IT Savings	0	0	0	0	-14
Total, General Administration	3	3	0	3	316
National Drug Intel Center					
Program Offset - NDIC Realignment	-97	-1	0	0	-11,974
Total, National Drug Intel Center	-97	-1	0	0	-11,974
Justice Information Sharing Technology					
IT Cyber Security and Transformation	0	0	0	0	8,400
Data Centers	0	0	0	0	[14,000]
Desktops	0	0	0	0	[5,000]
Email and Collaboration	0	0	0	0	[11,300]
IT Security	0	0	0	0	[1,700]
Mobility	0	0	0	0	[2,800]
Telecommunications	0	0	0	0	[600]
Total, Justice Information Sharing Technology	0	0	0	0	8,400
Administrative Review & Appeals					
Executive Office for Immigration Review					
Immigration Judge Teams - Coordination with DHS Enforcement Initiatives	211	53	0	105	17,000
Legal Orientation Program	0	0	0	0	4,000
Pilot - Innovation Ideas	0	0	0	0	4,000
Total, Executive Office for Immigration Review	211	53	0	105	25,000
Office of Pardon Attorney					
Pardons and Commutations	7	4	0	4	800
Total, Office of Pardon Attorney	7	4	0	4	800
Total, Administrative Review & Appeals	218	57	0	109	25,800
Office of the Inspector General					
Council of the Inspector General on Integrity and Efficiency	0	0	0	0	468
Program Offset - IT Savings	0	0	0	0	-38
Total, Office of the Inspector General	0	0	0	0	430
Reimbursable FTE Decrease	0	0	0	-2	0
Total with Reimbursable, Office of the Inspector General	0	0	0	-2	430
National Security Division					
Combating Cyber Threats to National Security	26	16	0	13	3,468
Combating Homegrown Violent Extremist Threats (HVE)	2	2	0	1	320
Intelligence Collection	2	2	0	1	320
Total, National Security Division	30	20	0	15	4,108
General Legal Activities					
Office of the Solicitor General					
Program Offset - Administrative Functions Consolidation	0	0	0	0	-231
Total, Office of the Solicitor General	0	0	0	0	-231
Criminal Division					
Cyber Security	25	9	0	14	2,580
Financial and Mortgage Fraud	28	16	0	14	5,000
Intellectual Property	11	7	0	6	3,500
Total, Criminal Division	64	32	0	34	11,080
Civil Division					
Attorney Productivity Initiative	0	0	0	0	1,600
Financial and Mortgage Fraud	51	32	0	26	7,000
Total, Civil Division	51	32	0	26	8,600

DEPARTMENT OF JUSTICE
DOJ DIRECT DISCRETIONARY BUDGET AUTHORITY
FY 2014 SUMMARY OF CHANGES BY ORGANIZATION
(Dollars in Thousands)

	FY 2014 President's Budget				
	Pos.	Atty	Agents	FTE	Amount
Office of Legal Counsel					
Program Offset - OLC/OSG Executive Office Merger	0	0	0	0	-232
Total, Office of Legal Counsel	0	0	0	0	-232
Civil Rights Division					
Civil Rights Enforcement	50	25	0	25	5,072
Financial and Mortgage Fraud	15	10	0	8	1,500
Police Misconduct Enforcement	20	9	0	10	1,928
Total, Civil Rights Division	85	44	0	43	8,500
Total, General Legal Activities	200	108	0	103	27,717
Antitrust Division					
Program Offset - Position/FTE Adjustment	[-50]	[-10]	0	0	0
Total, Antitrust Division	[-50]	[-10]	0	0	0
U.S. Attorneys					
Financial and Mortgage Fraud	190	120	0	95	26,500
Program Offset - Overhead Reductions	0	0	0	0	-17,500
Total, U.S. Attorneys	190	120	0	95	9,000
U.S. Marshals Service					
U.S. Marshals Service S&E					
Program Offset - Administrative Efficiencies	0	0	0	0	-3,533
Program Offset - IT Savings	0	0	0	0	-1,477
Total, U.S. Marshals Service S&E	0	0	0	0	-5,010
U.S. Marshals Service Construction					
Program Offset - Construction	0	0	0	0	-5,000
Total, U.S. Marshals Service Construction	0	0	0	0	-5,000
Federal Prisoner Detention					
Housing of USMS Detainees	0	0	0	0	54,875
Total, Federal Prisoner Detention	0	0	0	0	54,875
Total, U.S. Marshals Service	0	0	0	0	44,865
Community Relations Service					
Hate Crime Prevention and Response	8	0	0	4	547
Total, Community Relations Service	8	0	0	4	547
Interagency Crime & Drug Enforcement					
Interagency Crime & Drug Enforcement S&E					
International Organized Crime (IOC) Operational Funding	[1]	[1]	0	[1]	3,000
Program Offset - IT Savings	0	0	0	0	-150
Program Offset - Investigative Component Reduction	[-146]	[-6]	[-109]	[-145]	-12,500
Total, Interagency Crime & Drug Enforcement S&E	[-145]	[-5]	[-109]	[-144]	-9,650
Total, Interagency Crime & Drug Enforcement	[-145]	[-5]	[-109]	[-144]	-9,650
Federal Bureau of Investigation					
FBI Salaries and Expenses					
Biometrics Technology Center O&M	0	0	0	0	7,375
Financial and Mortgage Fraud	44	0	40	22	15,000
NICS Expansion	524	0	0	262	100,000
Next Generation Cyber	152	0	60	76	86,584
Program Offset - Administrative Efficiencies	0	0	0	0	-11,158
Program Offset - Contractor Reduction	0	0	0	0	-7,113
Program Offset - Critical Incident Response	0	0	0	0	-3,417
Program Offset - Eliminate National Gang Intelligence Center	-15	0	-1	-15	-7,826
Program Offset - Facilities Reduction	0	0	0	0	-22,562
Program Offset - Lower Priority Program Reduction	0	0	0	0	-2,000
Program Offset - Permanent Change of Station (Professional Staff)	0	0	0	0	-5,000

DEPARTMENT OF JUSTICE
DOJ DIRECT DISCRETIONARY BUDGET AUTHORITY
FY 2014 SUMMARY OF CHANGES BY ORGANIZATION
(Dollars in Thousands)

	FY 2014 President's Budget				
	Pos.	Atty	Agents	FTE	Amount
Program Offset - State and Local Security Clearances	0	0	0	0	-2,115
Surveillance	28	0	4	14	6,000
Total, FBI Salaries and Expenses	733	0	103	359	153,768
Total, Federal Bureau of Investigation	733	0	103	359	153,768
Drug Enforcement Administration					
Drug Enforcement Administration - S&E					
Program Offset - Administrative Offset	0	0	0	0	-9,880
Program Offset - Hollow Position/FTE Reduction	-514	0	-50	0	0
Program Offset - IT Savings	0	0	0	0	-2,038
Total, Drug Enforcement Administration - S&E	-514	0	-50	0	-11,918
Total, Drug Enforcement Administration	-514	0	-50	0	-11,918
Bureau of Alcohol, Tobacco, Firearms, and Explosives					
ATF Salaries & Expenses					
Enforcement, Inspections, and Tracing	255	0	160	128	51,078
NIBIN	0	0	0	0	22,000
Program Offset - Administrative Efficiencies	-164	0	-34	0	-7,399
Program Offset - IT Savings	0	0	0	0	-2,748
Total, ATF Salaries & Expenses	91	0	126	128	62,931
Total, Bureau of Alcohol, Tobacco, Firearms, and Explosives	91	0	126	128	62,931
Federal Prison System					
FPS Salaries & Expenses					
Begin Activation: ADX USP Thomson, IL (2,800 beds)	1,158	0	749	290	43,700
Begin Activation: FCI Hazelton, WV (1,280 beds)	389	0	188	146	24,982
Begin Activation: USP Yazoo City, MS (1,216 beds)	416	0	218	104	28,421
Contract Bed Increase (1,000 x \$26,382)	4	0	0	2	26,232
Expand RDAP	120	0	0	60	15,000
Program Offset - Administrative Efficiencies	0	0	0	0	-5,500
Program Offset - BOP Medical Costs Adjustment (Medicare Rate)	0	0	0	0	-50,000
Program Offset - Expand Sentence Credits for Inmates	0	0	0	0	-41,000
Program Offset - IT Savings	0	0	0	0	-4,231
Reentry and Recidivism Reducing Programs	0	0	0	0	28,000
Total, FPS Salaries & Expenses	2,087	0	1,155	602	65,604
FPS Buildings & Facilities					
Renovation of ADX USP Thomson, IL (2,800 beds)	0	0	0	2	15,000
Total, FPS Buildings & Facilities	0	0	0	2	15,000
Total, Federal Prison System	2,087	0	1,155	604	80,604
Commissary Fund					
FCI Hazelton, WV (1,280 beds)	[7]	0	0	0	0
USP Yazoo City, MS (1,216 beds)	[8]	0	0	0	0
Total, Commissary Fund	[15]	0	0	0	0
Total, Discretionary w/o State and Local	2,949	307	1,334	1,420	384,944
Discretionary Grant Programs					
Office of Justice Program					
Research Evaluation and Statistic Total					
Research Evaluation and Statistic (JA)					
National Institute of Justice (NIJ)	0	0	0	0	13,500
Bureau of Justice Statistics (BJS)	0	0	0	0	7,900
Evaluation Clearinghouse	0	0	0	0	2,000
Program Offset - Regional Information Sharing System (RISS)	0	0	0	0	-2,000
Total, Research Evaluation and Statistic (JA)	0	0	0	0	21,400
Total, Research Evaluation and Statistic Total	0	0	0	0	21,400

DEPARTMENT OF JUSTICE
DOJ DIRECT DISCRETIONARY BUDGET AUTHORITY
FY 2014 SUMMARY OF CHANGES BY ORGANIZATION
(Dollars in Thousands)

	FY 2014 President's Budget				
	Pos.	Atty	Agents	FTE	Amount
Juvenile Justice Programs - Total					
Juvenile Justice Programs					
Part B: Formula Grants	0	0	0	0	30,000
Children of Incarcerated Parents Web Portal	0	0	0	0	500
Community-Based Violence Prevention Initiative	0	0	0	0	17,000
Competitive Grants for Girls in the Justice System	0	0	0	0	2,000
Juvenile Justice Realignment Incentive Grants	0	0	0	0	20,000
Missing and Exploited Children's Program (MECP)	0	0	0	0	2,000
National Forum on Youth Violence Prevention	0	0	0	0	2,000
Title V: Local Delinquency Prevention Incentive Grants	0	0	0	0	38,000
Program Offset - Child Abuse Training Judicial Personnel	0	0	0	0	-1,500
Program Offset - Improving Investigation & Prosecution of Child Abuse	0	0	0	0	-18,000
Program Offset - Youth Mentoring					-20,000
Total, Juvenile Justice Programs	0	0	0	0	70,000
Total, Juvenile Justice Programs - Total	0	0	0	0	70,000
State and Local Law Enforcement Assistance - Total					
State and Local Law Enforcement Assistance					
Byrne Criminal Justice Innovation Program	0	0	0	0	20,000
Byrne Incentive Grants	0	0	0	0	40,000
Children Exposed to Violence	0	0	0	0	13,000
Consolidated Cyber/Economic Crime	0	0	0	0	2,000
Hawaii Opportunity Probation with Enforcement (HOPE)	0	0	0	0	10,000
Justice Assistance Grants (JAG)	0	0	0	0	25,000
Justice Reinvestment Initiative	0	0	0	0	85,000
National Criminal History Improvement Program (NCHIP)	0	0	0	0	44,000
Problem Solving Courts (Drug, Mental Health, Other)/Problem Solving Justice	0	0	0	0	44,000
Residential Substance Abuse Treatment	0	0	0	0	9,000
Second-Chance Act/Offender Re-entry	0	0	0	0	56,000
Program Offset - Border Prosecution Initiatives	0	0	0	0	-10,000
Program Offset - Bulletproof Vest Partnership	0	0	0	0	-24,000
Program Offset - Capital Litigation Improvement Grant Program	0	0	0	0	-1,000
Program Offset - Court-Appointed Special Advocate	0	0	0	0	-4,500
Program Offset - Coverdell Forensic Science Grants	0	0	0	0	-12,000
Program Offset - DNA Initiative	0	0	0	0	-25,000
Program Offset - Drug Courts	0	0	0	0	-35,000
Program Offset - Indian Assistance	0	0	0	0	-38,000
Program Offset - John R. Justice Student Loan Repayment Program	0	0	0	0	-4,000
Program Offset - Mentally Ill Offender Act Program	0	0	0	0	-9,000
Program Offset - Missing Alzheimer Patient Alert Program	0	0	0	0	-1,000
Program Offset - Presidential Nominating Conventions	0	0	0	0	-100,000
Program Offset - Prison Rape Prevention & Prosecution	0	0	0	0	-2,000
Program Offset - State Criminal Alien Assistance Program (SCAAP)	0	0	0	0	-240,000
Total, State and Local Law Enforcement Assistance	0	0	0	0	-157,500
Total, State and Local Law Enforcement Assistance - Total	0	0	0	0	-157,500
OJP - Salaries and Expenses					
OJP - Program Increase	10	0	0	10	0
Total, OJP - Salaries and Expenses	10	0	0	10	0
Total, Office of Justice Program	10	0	0	10	-66,100
Community Policing Total					
Community Policing					
Comprehensive School Safety Program (CSSP)	0	0	0	0	150,000
COPS Hiring	0	0	0	0	91,000
Total, Community Policing	0	0	0	0	241,000
Total, Community Policing Total	0	0	0	0	241,000

DEPARTMENT OF JUSTICE
DOJ DIRECT DISCRETIONARY BUDGET AUTHORITY
FY 2014 SUMMARY OF CHANGES BY ORGANIZATION
(Dollars in Thousands)

	FY 2014 President's Budget				
	Pos.	Atty	Agents	FTE	Amount
Office on Violence Against Women - Total					
Office on Violence Against Women					
Enhancing Safety for Victims and their Children in a Family Matter	0	0	0	0	16,000
Rural Domestic Violence & Child Abuse Enforcement Assistance	0	0	0	0	3,500
Program Offset - Court Training	0	0	0	0	-4,500
Program Offset - National Resource Center on Workplace Response	0	0	0	0	-500
Program Offset - Safe Havens Program	0	0	0	0	-11,500
Program Offset - Transitional Housing	0	0	0	0	-3,000
Total, Office on Violence Against Women	0	0	0	0	0
Total, Office on Violence Against Women - Total	0	0	0	0	0
Total, Discretionary Grant Programs	10	0	0	10	174,900
Total, Discretionary Budget Authority	2,959	307	1,334	1,430	559,844
Total, DOJ Direct Discretionary Budget Authority	2,959	307	1,334	1,430	559,844
Rescission					
Rescission - WCF	0	0	0	0	-30,000
Rescission - USMS S&E	0	0	0	0	-12,200
Rescission - USMS FPD	0	0	0	0	-80,000
Rescission - FBI S&E	0	0	0	0	-150,000
Rescission - DEA S&E	0	0	0	0	-10,000
Rescission - ATF S&E	0	0	0	0	-12,400
Rescission - BOP B&F	0	0	0	0	-30,000
Rescission - OJP-wide	0	0	0	0	-47,000
Rescission - COPS	0	0	0	0	-14,000
Rescission - OVW	0	0	0	0	-6,200
Subtotal, Rescission	0	0	0	0	-391,800
Total Program Changes, DISCRETIONARY BUDGET AUTHORITY	2,959	307	1,334	1,430	168,044
2014 Total DISCRETIONARY BUDGET AUTHORITY	116,512	9,990	44,900	108,980	29,012,634
2014 Reimbursable FTE	0	0	0	7,288	0
FEES COLLECTIONS					
Antitrust Pre-Merger Filing Fee	0	0	0	0	-102,300
U.S. Trustees Fees and Interest on U.S. Securities	0	0	0	0	-261,490
Subtotal, Fees Collections	0	0	0	0	-363,790
2014 DISCRETIONARY AUTHORITY with Reimbursable FTE	116,512	9,990	44,900	116,268	27,648,844
Change 2014 from 2012 Enacted	2,959	342	1,369	-6,006	800,301
Percent Change 2014 from 2012 Enacted					2.92%
Scorekeeping Credits					
Crime Victim Fund	0	0	0	0	-10,631,000
Asset Forfeiture Fund	0	0	0	0	-675,000
Total, Discretionary Credits	0	0	0	0	-11,306,000
2014 DISCRETIONARY AUTHORITY w/ SCOREKEEPING, with Reimbursable FTE	116,512	9,990	44,900	116,268	16,342,844
Change 2014 from 2012 Enacted with Scorekeeping	2,959	342	1,369	1,282	-10,477,660
Percent Change 2014 from 2012 Enacted with Scorekeeping					-39.07%

¹¹ The 2013 Continuing Resolution includes the 0.612% funding above current rate, provided by P.L. 112-175, sec. 101 (c); excludes the reduction for sequestration of \$1.66 billion; and includes the Supplemental Appropriation for Hurricane Sandy Relief provided by P.L. 113-2

DEPARTMENT OF JUSTICE
STATE, LOCAL AND TRIBAL LAW ENFORCEMENT ASSISTANCE
(Dollars in Thousands)

	FY 2012 Enacted	FY 2013 CR with 0.612% ¹	FY 2014 President's Budget	FY 2014 President's Budget over FY 2012 Enacted
OFFICE OF JUSTICE PROGRAMS				
<u>Justice Assistance/Research, Evaluation, and Statistics:</u>				
National Institute of Justice (NIJ)	40,000	40,245	44,500	4,500
DNA/Forensic Transfer to NIST/OLES	[5,000]	[5,000]	0	0
Bureau of Justice Statistics (BJS)	45,000	45,275	52,900	7,900
National Crime Victimization Survey	[26,000]	[26,000]	0	[-26,000]
Redesign work for the NCVS	[10,000]	[10,000]	0	[-10,000]
Indian Country Statistics	[500]	[500]	0	0
Forensic Sciences			9,000	9,000
Regional Information Sharing System (RISS)	27,000	27,165	25,000	-2,000
Evaluation Clearinghouse	1,000	1,006	3,000	2,000
TOTAL, JUSTICE ASSISTANCE	113,000	113,692	134,406	21,406
<u>State and Local Law Enforcement:</u>				
State Criminal Alien Assistance Program (SCAAP)	240,000	241,469	0	-240,000
Adam Walsh Act Implementation	20,000	20,122	20,000	0
Byrne Competitive Grants	15,000	15,092	15,000	0
Presidential Nominating Conventions	100,000	100,612	0	-100,000
Justice Assistance Grants (JAG)	370,000	372,264	395,000	25,000
NIJ for Domestic Radicalization	[4,000]	[4,000]	0	[-4,000]
Comprehensive Criminal Justice Reform and Recidivism Reduction	[6,000]	[6,000]	0	[-6,000]
State and Local Antiterrorism Training (SLATT)	[2,000]	[2,000]	[2,000]	0
State and Local Assistance Help Desk and Diagnostic Center	[4,000]	[4,000]	[2,000]	[-2,000]
VALOR Initiative	[2,000]	[2,000]	[15,000]	[13,000]
Puerto Rico Plebiscite			[2,500]	[2,500]
Smart Policing			[10,000]	[10,000]
Smart Prosecution			[5,000]	[5,000]
Byrne Incentive Grants	0	0	40,000	40,000
Justice Reinvestment Initiative			85,000	85,000
Residential Substance Abuse Treatment (Improving Reentry)	10,000	10,061	19,000	9,000
Problem Solving Justice	0	0	44,000	44,000
Drug Court Program	35,000	35,214	0	-35,000
Mentally Ill Offender Act	9,000	9,055	0	-9,000
Victims of Trafficking	10,500	10,564	10,500	0
Prescription Drug Monitoring Program	7,000	7,043	7,000	0
Prison Rape Prevention and Prosecution Program	12,500	12,577	10,500	-2,000
Capital Litigation Improvement Grant Program	3,000	3,018	2,000	-1,000
National Sex Offender Public Website	1,000	1,006	1,000	0
Project Hope Opportunity Probation with Enforcement (HOPE)		0	10,000	10,000
Bulletproof Vest Partnership	24,000	24,147	0	-24,000
NIST/OLES	[1,500]	[1,500]	0	0
National Criminal History Improvement Prog (NCHIP)	6,000	6,037	50,000	44,000
NICS Improvement Act	5,000	5,031	5,000	0
Court-Appointed Special Advocate	4,500	4,528	0	-4,500
DNA Initiative	125,000	125,785	100,000	-25,000
Rape Kit Backlog			[20,000]	[20,000]
DNA Analysis and Capacity Enhancement Program	[117,000]	[117,000]	TBD	0
Kirk Bloodworth Post Conviction DNA Testing Program	[4,000]	[4,000]	TBD	0
Sexual Assault Forensic Exam Program Grants	[4,000]	[4,000]	TBD	0
Coverdell Forensic Science Grants	12,000	12,073	0	-12,000
S&L Gun Crime Prosec. Assist/Gun Violent Reduc.	5,000	5,031	5,000	0
Second Chance/Prisoner Reentry	63,000	63,386	119,000	56,000
Smart Probation	[4,000]	[4,000]	[10,000]	[6,000]
COIP Demonstration Grants			[5,000]	[5,000]
Pay for Success (Discretionary)			[30,000]	[30,000]
Pay for Success (Permanent Supportive Housing Model)	0	0	[10,000]	[10,000]

DEPARTMENT OF JUSTICE
STATE, LOCAL AND TRIBAL LAW ENFORCEMENT ASSISTANCE
(Dollars in Thousands)

	FY 2012 Enacted	FY 2013 CR with 0.612% ¹	FY 2014 President's Budget	FY 2014 President's Budget over FY 2012 Enacted
Missing Alzheimer's Program	1,000	1,006	0	-1,000
Consolidated Cybercrime and Economic Crime/Intellectual Property Enforcement Program	7,000	7,043	9,000	2,000
Intellectual Property Enforcement Program		0	[2,500]	[2,500]
Children Exposed to Violence	10,000	10,061	23,000	13,000
Byrne Criminal Justice Innovation Program	15,000	15,092	35,000	20,000
Indian Assistance	38,000	38,233	0	-38,000
John R. Justice Student Loan Repayment Program	4,000	4,024	0	-4,000
Border Prosecution Initiatives	10,000	10,061	0	-10,000
TOTAL, STATE AND LOCAL LAW ENFORCEMENT ASSIST.	1,162,500	1,169,615	1,005,000	-157,500
<u>Juvenile Justice and Safety Programs:</u>				
Part B: Formula Grants	40,000	40,245	70,000	30,000
Youth Mentoring	78,000	78,477	58,000	-20,000
Title V: Local Delinquency Prevention Incentive Grants	20,000	20,122	56,000	36,000
Court-Appointed Special Advocate			[TBD]	0
Child Abuse Training for Judicial Personnel			[TBD]	0
VOCA-Improving the Investig. & Prosec. Of Child Abuse (APRI)			[TBD]	0
Tribal Youth Program	[10,000]	[10,000]	0	[-10,000]
Gang Prevention	[5,000]	[5,000]	0	[-5,000]
Juvenile Justice and Education Collaboration Assistance (JJECA)			[20,000]	[20,000]
Enforcing Underage Drinking Laws	[5,000]	[5,000]	0	[-5,000]
Victims of Child Abuse -Improving the Investig. & Prosec. Of Child Abuse (APRI)	18,000	18,110	0	-18,000
Regional Children's Advocacy Programs	[5,000]	[5,000]	0	[-5,000]
Juvenile Accountability Block Grant Prog (JABG)	30,000	30,184	30,000	0
Community-Based Violence Prevention Initiatives	8,000	8,049	25,000	17,000
National Forum on Youth Violence Prevention	2,000	2,012	4,000	2,000
Missing and Exploited Children's Program (MECP)	65,000	65,398	67,000	2,000
ICAC Set-Aside	0	0	[22,000]	[22,000]
Child Abuse Training for Judicial Personnel	1,500	1,509	0	-1,500
Juvenile Justice Realignment Incentive Grants	0	0	20,000	20,000
Competitive Grant for Girls in the Justice System	0	0	2,000	2,000
Children of Incarcerated Parents Web Portal	0	0	500	500
TOTAL, JUVENILE JUSTICE PROGRAMS	262,500	264,107	332,500	70,000
TOTAL, PUBLIC SAFETY OFFICERS DISCRETIONARY PROG	16,300	16,400	16,300	0
<u>Public Safety Officers Death Benefit Program:</u> (which equals PSOB mandatory approp)				
	62,000	62,000	65,000	3,000
<u>Crime Victims Fund (Obligation Limitation)</u>				
Cap	705,000	705,000	800,000	95,000
Vision 21			[745,000]	
Tribal Victims of Violence Grants			[25,000]	[25,000]
Domestic Trafficking Victims Grants			[20,000]	[20,000]
			[10,000]	[10,000]
TOTAL, OJP DISCRETIONARY GRANT PROGRAMS	1,554,300	1,563,812	1,488,200	-66,100
OJP Set-Aside for New Flexible Tribal Grant (7%)	0	0	[102,473]	[102,473]
OJP Set-Aside for Research and Eval. (2%)	[29,060]	[29,060]	[27,310]	[-1,750]
Gun Safety Research			[2,000]	[2,000]
Federal Inmate Research and Evaluation (Transfer to BOP)	[1,300]	[1,300]	0	[-1,300]
OJP - Management and Administration	[175,057]	[176,128]	[176,665]	[1,608]
TOTAL, OJP MANDATORY GRANT PROGRAMS	767,000	767,000	865,000	98,000
GRAND TOTAL, OJP	2,321,300	2,330,812	2,353,200	31,900

**DEPARTMENT OF JUSTICE
STATE, LOCAL AND TRIBAL LAW ENFORCEMENT ASSISTANCE
(Dollars in Thousands)**

	FY 2012 Enacted	FY 2013 CR with 0.612% ¹	FY 2014 President's Budget	FY 2014 President's Budget over FY 2012 Enacted
<u>COPS APPROPRIATION</u>				
<u>Supporting Law Enforcement Activity:</u>				
Tribal Law Enforcement	20,000	20,122	20,000	0
Comprehensive School Safety Program (CSSP)			150,000	150,000
COPS Hiring Program	166,000	167,016	257,000	91,000
Transfer to Tribal Resources Grant Program	[15,000]	[15,000]	[15,000]	0
Collaborative Reform Model (Formerly Elevate)			[10,000]	[10,000]
Community Policing Development/Training and Technical Assistance	[10,000]	[10,000]	[15,000]	[5,000]
DEA Methamphetamine Enforcement and Cleanup	12,500	12,577	12,500	0
COPS Set-Aside for Research and Evaluation -- 2% of discr funds			[8,540]	[8,540]
COPS - Management and Administration	[37,004]	[37,230]	[37,182]	[178]
TOTAL, COPS APPROPRIATION	198,500	199,715	439,500	241,000
<u>Office on Violence Against Women (OVW)</u>				
<u>Violence Against Women Grants:</u>				
Grants to Combat Violence Against Women (STOP)	189,000	190,157	189,000	0
Research and Eval. Violence Against Women (NIJ)	3,000	3,016	3,000	0
Transitional Housing	25,000	25,153	22,000	-3,000
Consolidated Youth Oriented Program	10,000	10,061	10,000	0
Grants to Encourage Arrest Policies	50,000	50,306	50,000	0
Homicide Reduction Initiative	[4,000]	[4,000]	[4,000]	0
Rural Dom. Violence & Child Abuse Enforcement Asst.	34,000	34,208	37,500	3,500
Legal Assistance Program	41,000	41,251	41,000	0
Safe Haven Program	11,500	11,570	0	-11,500
Safe Haven and Court Training/Enhancing Safety for Victims and Their Children in a Family Matter		0	16,000	16,000
Campus Violence	9,000	9,055	9,000	0
Disabilities Program	5,750	5,785	5,750	0
Elder Program	4,250	4,276	4,250	0
Sexual Assault Services	23,000	23,141	23,000	0
Court Training Program	4,500	4,528	0	-4,500
Indian Country - Sexual Assault Clearinghouse	500	503	500	0
National Resource Center on Workplace Responses	1,000	1,006	500	-500
Research on Violence Against Indian Women	1,000	1,006	1,000	0
VAWA Tribal Government Grants Program	[35,270]	[35,270]	[35,320]	[50]
VAWA Tribal Coalitions Grants	[3,605]	[3,605]	[3,605]	0
OVW Set-Aside for Research and Evaluation -- 2% of discr funds			[4,030]	[4,030]
OVW Management and Administration	[18,186]	[18,297]	[18,290]	[104]
TOTAL, OFFICE ON VIOLENCE AGAINST WOMEN	412,500	415,025	412,500	0
<u>RESCISSION OF BALANCES:</u>				
OFFICE OF JUSTICE PROGRAMS	-55,000	-55,337	-47,000	8,000
COPS OFFICE	-23,605	-23,749	-14,000	9,605
OFFICE ON VIOLENCE AGAINST WOMEN	-15,000	-15,092	-6,200	8,800
TOTAL OF RESCISSIONS	-93,605	-94,178	-67,200	26,405
GRAND TOTALS, INCLUDING RESCISSIONS:				
DISCRETIONARY, INCLUDING RESCISSIONS	2,071,695	2,084,374	2,273,000	201,305
DISCRETION. & MANDAT., INCLUDING RESCISSIONS	2,838,695	2,851,374	3,138,000	299,305
GRAND TOTAL, EXCLUDING RESCISSIONS:				
DISCRETIONARY, NOT INCLUDING RESCISSIONS	2,165,300	2,178,552	2,340,200	174,900
DISCRETION. & MANDAT., NOT INCLUDING RESCISSIONS	2,932,300	2,945,552	3,205,200	272,900

¹ The 2013 Continuing Resolution in effect on 2/28/2013 includes the 0.612% funding above current rate, provided by P.L. 112-175, sec. 101 (c) and excludes the reduction for sequestration of \$1.66 billion.



General Administration (GA)

FY 2014 Budget Request At A Glance

FY 2012 Enacted:	\$110.8 million (557 positions; 135 attorneys)
Current Services Adjustments:	+\$15.1 million
Program Changes:	+\$316,000
FY 2014 Budget Request:	\$126.2 million (631 positions; 177 attorneys)
Change From FY 2012 Enacted	+\$15.4 million (+13.9%) (+74 positions; +42 attorneys)

Mission:

The primary mission of the GA appropriation is to support the Attorney General and DOJ senior policy level officials in managing Department resources and developing policies for legal, law enforcement, and criminal justice activities. GA also provides administrative support services to the legal divisions and policy guidance to all Department organizations. GA's mission supports every aspect of the DOJ strategic plan. Most GA offices have significant oversight responsibilities that shape DOJ policy and influence the way the Department works toward meeting each of its strategic goals.

Resources:

The FY 2014 budget request for GA totals \$126.2 million, which is a 13.9% increase over the FY 2012 Enacted. The majority of the increase to GA (\$13.6 million) is for transfers from components to centralize funding for the Office of Information Policy, the Professional Responsibility Advisory Office and the Office of Tribal Justice.

In addition, transfers to realign permanent positions for the Office of Legal Policy (from the Office of Dispute Resolution (ODR)) and the Office of Professional Responsibility (from the Executive Office of the United States Attorneys (EOUSA)) are also included.

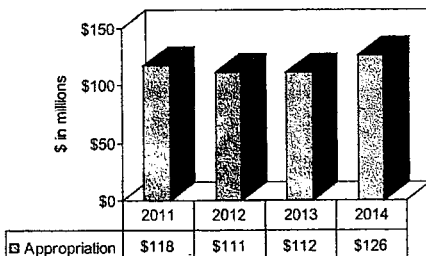
Organization:

The GA appropriation includes the following: Attorney General, Deputy Attorney General, Associate Attorney General, Privacy and Civil Liberties, Rule of Law, Access to Justice, Public Affairs, Legislative Affairs, Tribal Justice (OTJ), Information Policy (OIP), Legal Policy (OLP), Professional Responsibility (OPR), the Professional Responsibility Advisory Office (PRAO), and the Justice Management Division (JMD). JMD provides advice to senior DOJ officials and develops departmental policies in the areas of management and administration; ensures compliance by DOJ components with departmental and other federal policies and regulations; and provides a full range of management and administration support services, including financial management operations, budget and procurement services.

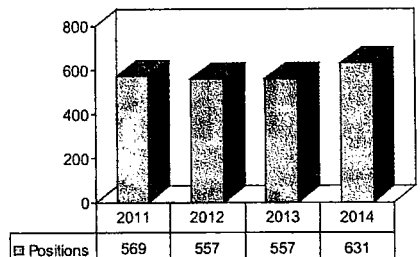
Personnel:

The GA's direct positions for FY 2014 total 631 positions. GA's FY 2014 request includes an increase of 74 positions over the FY 2012 Enacted of 557 direct positions. The increase includes the following transfers: 43 positions from contributing components for OIP, 18 positions from components for PRAO, 4 positions from components for OTJ (plus 3 new positions), 3 positions from ODR to OLP and 3 positions from EOUSA for OPR.

Funding (FY 2011 - 2014)



Personnel (FY 2011 - 2014)



FY 2014 Strategy:

The Department's leadership develops policies regarding the administration of justice in the United States, and directs and oversees the administration and operation of the Department's bureaus, offices, and divisions, to ensure DOJ's success in meeting its strategic goals. The Department's responsibilities and priorities continue to evolve and respond to current challenges. Whenever new tasks are undertaken, the Department's leadership and other supporting offices must develop the policies and oversee their implementation.

The Department has made great strides over the last year in realigning functions within the GA appropriation in order to achieve efficiencies and increase effectiveness in the management of the Department. These realignments include: merging the Office of Dispute Resolution with the Office of Legal Policy, merging the Office of Intergovernmental and Public Liaison with the Office of Legislative Affairs, and moving the administration of the Office of Tribal Justice under the GA appropriation. These changes have resulted in streamlined operations and the elimination of overlapping duties in these areas going forward. The Department will continue to explore opportunities to share resources and maximize available resources within the GA appropriation in FY 2014.

The Department is also seeking to centralize funding for the Office of Information Policy, the Professional Responsibility Advisory Office, and the Office of Tribal Justice. These offices were formerly paid for via component reimbursement agreements and/or detailees. Additional requested transfers include the transfer of three positions from the Executive Office for United States Attorneys to the Office of Professional Responsibility and making permanent the transfer of funding from the Office of Dispute Resolution to the Office of Legal Policy. Via the FY 2014 budget process, these important offices will be funded in the GA appropriation through permanent dollars. The FY 2013 President's Budget included this request.

FY 2014 Program Changes:

Office of Tribal Justice: \$530,000 and 3 positions (3 attorneys)

The Tribal Law and Order Act of 2010 increased the responsibilities of the Office of Tribal Justice (OTJ) to include several new functions. This enhancement provides funding for additional attorneys as well as extraordinary travel, public notifications (Federal Register) and meeting coordination. OTJ serves 566 federally recognized tribes spread across 54 million acres of Indian Country. The FY 2013 President's Budget included this request; the FY 2014 President's Budget includes the same request but in a different amount. The current request is lower because we have re-examined the need and adjusted the amount requested accordingly. The FY 2014 current services for this initiative are 5 positions (3 attorneys) and \$1.1 million.

Program Offset - Admin Efficiencies: -\$200,000 and 0 positions

The Department is continually evaluating its programs and operations with the goal of achieving efficiencies and cost savings. In FY 2014, the Department is focusing on areas in which savings can be achieved, which include printing, publications, travel, conferences, supplies, and general equipment. For GA, these administrative efficiencies will result in an offset of \$200,000.

Program Offset - IT Savings: -\$14,000 and 0 positions

The Department is actively reviewing its IT programs to identify efficiencies and improve performance. Some of the areas being reviewed include consolidation of commodity IT services and strategic sourcing. The Department is also improving IT governance, visibility, and program management. These efforts, along with those conducted by GA, will result in an FY 2014 offset of \$14,000. The FY 2013 President's Budget included this request; the FY 2014 President's Budget includes the same request but in a different amount. The current request is lower because we have re-examined the need and adjusted the amount requested accordingly. FY 2014 current services for this initiative are \$1.2 million.

General Administration
(Dollars in Thousands)

	General Administration		
	Pos	FTE**	Amount
2012 Enacted	557	500	110,822
2013 Continuing Resolution *	557	486	111,500
2014 Request	631	536	126,208
Change 2014 from 2012 Enacted	74	36	15,386
Technical Adjustments			
Adjustment - 2013 CR 0.612%	0	0	-678
Total Technical Adjustments	0	0	-678
Base Adjustments			
ATB Transfers	71	54	13,595
Pay & Benefits	0	-7	820
Domestic Rent & Facilities	0	0	616
Other Adjustments	0	0	39
Total Base Adjustments	71	47	15,070
2014 Current Services	628	533	125,892
Program Changes			
Increases:			
Office of Tribal Justice	3	3	530
Subtotal, Program Increases	3	3	530
Decreases:			
Program Offset - Admin Efficiencies	0	0	-200
Program Offset - IT Savings	0	0	-14
Subtotal, Program Decreases	0	0	-214
Total Program Changes	3	3	316
2014 Request	631	536	126,208

* The 2013 Continuing Resolution includes the 0.612% funding above current rate, provided by P.L. 112-175, sec. 101 (c).

** The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

General Administration
(Dollars in Thousands)

Comparison by activity and program	2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Department Leadership	71	64	18,401	71	64	18,687
Intergovernmental Relations & External Affairs	46	42	8,142	50	42	9,296
Executive Support and Professional Responsibility	58	53	12,971	125	104	25,133
Justice Management Division	382	341	71,308	382	323	72,776
Total	557	500	110,822	628	533	125,892
Reimbursable FTE	0	77	0	0	29	0
Grand Total	557	577	110,822	628	562	125,892

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Department Leadership	0	0	0	71	64	18,687
Intergovernmental Relations & External Affairs	3	3	530	53	45	9,826
Executive Support and Professional Responsibility	0	0	-200	125	104	24,933
Justice Management Division	0	0	-14	382	323	72,762
Total	3	3	316	631	536	126,208
Reimbursable FTE	0	0	0	0	29	0
Grand Total	3	3	316	631	565	126,208



Justice Information Sharing Technology (JIST)

FY 2014 Budget Request At A Glance

FY 2012 Enacted:	\$44.3 million (72 positions)
Current Services Adjustments:	-\$26.9 million
Program Changes:	+\$8.4 million
FY 2014 Budget Request:	\$25.8 million (59 positions)
Change From FY 2012 Enacted:	-\$18.5 million (-41.7%) (-13 positions)

Mission:

The JIST account provides information technology (IT) resources so the Department's Chief Information Officer (CIO) may effectively coordinate enterprise-wide IT investments and ensure that infrastructure enhancements are well-planned and aligned with the Department's overall IT strategy and enterprise architecture. JIST funds the following programs in FY 2014: IT Transformation and Cyber Security, Public Key Infrastructure, Unified Financial Management System, and the Law Enforcement Information Sharing Program.

Organization:

The CIO manages the programs funded under the JIST appropriation. The CIO is part of the Justice Management Division and reports to the Assistant Attorney General for Administration. The CIO's Policy and Planning Staff, funded under the JIST appropriation, supports the Department's Investment Review Board that oversees the annual selection of the Department's IT investments for the budget submissions and conducts periodic reviews of the Department's high profile, high cost, or high risk IT investments.

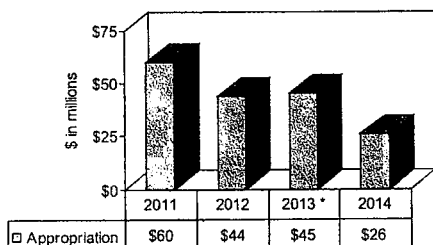
Resources:

The FY 2014 budget request for JIST totals \$25.8 million, which is a 41.7% decrease from the FY 2012 Enacted. The decrease is mainly due to the transfer of 3 projects from JIST to the Working Capital Fund which was also proposed in the FY 2013 Budget.

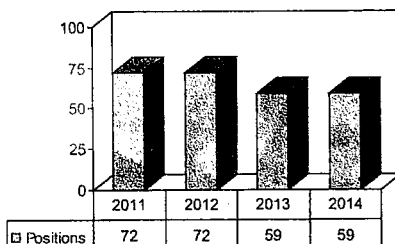
Personnel:

The JIST's direct positions for FY 2014 total 59 positions. JIST's FY 2014 request includes a decrease of -13 positions from the FY 2012 Enacted of 72 direct positions. The decrease is due to the transfer of 3 projects from JIST to the Working Capital Fund which was also proposed in the FY 2013 Budget.

Funding (FY 2011 - 2014)



Personnel (FY 2011 - 2014)



FY 2014 Strategy:

The JIST appropriation supports the Department's staff by providing the IT infrastructure and security environments necessary to conduct legal, investigative, and administrative functions. JIST funding provides investments in enterprise IT infrastructure, cyber security, public key infrastructure, information sharing technology, and system development projects across the Department.

During FY 2014, the CIO will focus on advancing initiatives to transform IT enterprise infrastructure and cyber security. The JIST IT Transformation and Cyber Security Program is a multiyear commitment that directly supports the Federal CIO's 25 Point Plan to Reform Federal IT Management as well as the Portfolio Stat (PSTAT) process. Work on this program began in FY 2012 and will continue into FY 2013 and FY 2014. This program consists of the following six projects: email consolidation, data center consolidation, IT security, mobility and remote access, desktops, and telecommunications.

Brief descriptions of these projects are provided below.

1. Email and Consolidation: Departmental email consolidation is a multi-year effort spanning 3 ½ years. This initiative began in FY 2012 with the consolidation of small email systems, and the planning activities for a Department-wide email system. By FY 2014, the Department will be implementing a Department-wide solution on a cloud or managed system.

The Department currently has 20 email systems. As a first step, 13 email systems in small components will be consolidated in FY 2013, leaving eight systems. The longer term goal further reduces the number of systems to two in FY 2014 and FY 2015, and eventually to one.

2. Data Center Consolidation: DOJ's data center strategy requires the migration of the Justice Data Center-Washington and Justice Data Center-Dallas contents to a combination of (a) new data center space, (b) existing component data center space, and/or (c) commercially provided data center services. Funding is requested to acquire the necessary data center space and services and execute the move/migration of data processing to new locations and service agreements.

DOJ has closed 38 data centers since 2010 and has a plan to close 13 additional data centers in FY 2013. The goal is to continue reducing data centers to minimize DOJ's data center footprint.

3. IT Security: The Department's ability to provide secure and resilient systems and networks that ensure the confidentiality, integrity, and availability of data is a critical requirement to providing DOJ's employees with the necessary IT tools to accomplish their missions. The priority cyber security focus areas for the Department are:

- Continued development of trusted infrastructure and consolidation of security architecture;
- Prevention and detection of Insider Threats; and

- Prevention and detection of advanced cyber threats.

4. Mobility and Remote Access: These new technologies help improve efficiency by enabling a mobile workforce and telework. This "green field" area is extremely conducive for a shared services model. DOJ anticipates implementing an enterprise infrastructure for this activity in FY 2014. In FY 2013, we have been replacing Justice Secure Remote Access (JSRA) with DOJConnect, which supports telework from personally-owned computers in order to reduce costs.

5. Desktops: Short term goals under this activity include reducing existing contract vehicles for desktops to enable strategic sourcing; establishing strategy, funding models, policy, and evaluations of architectures and solutions; and developing policy for personal printer use. The longer term goals include evaluating those components that are currently using virtual desktops and developing goals and architectures for virtual desktops. Funding in FY 2014 will be used for an enterprise virtual desktop pilot.

6. Telecommunications: FY 2014 funding will be used for the DOJ enterprise Voice over Internet Protocol solution which will reduce the number of similar services across the components. This will provide next generation voice communications services in a consolidated shared system for more integrated and cost effective service delivery to Department operations.

In FY 2014, consistent with the Administration's guidance, DOJ components will be required to set aside 5% of their IT spending to establish a pool for reinvestment in enterprise IT projects and in component IT projects targeting improved citizen services or administrative efficiencies. This reinvestment strategy challenges DOJ components to find efficiencies and builds from the collaborative efforts to date amongst the IT community and the PSTAT process.

FY 2014 Program Changes:

IT Transformation and Cyber Security: \$8.4 million and 0 positions

This program will fund the continuation of IT Transformation and Cyber Security efforts by implementing cost efficient enterprise infrastructure for shared services, storage, hosting, networking, facilities, and support; addressing new and emerging cyber security threats, including insider threats; and providing advanced intrusion detection and response capabilities to counter cyber attacks. The FY 2013 President's Budget included this request; the FY 2014 President's Budget includes the same request but in a different amount. The current request is lower because we have re-examined the need and adjusted the amount requested accordingly. The FY 2014 current services for this initiative are 5 positions and \$.8 million.

In FY 2014, \$35.4 million from components will augment JIST base resources to advance initiatives to transform IT enterprise infrastructure and cyber security.

Justice Information Sharing Technology
(Dollars in Thousands)

Justice Information Sharing Technology			
	Pos	FTE**	Amount
2012 Enacted	72	54	44,307
2013 Continuing Resolution *	72	54	44,578
2014 Request	59	59	25,842
Change 2014 from 2012 Enacted	-13	5	-18,465
Technical Adjustments			
Adjustment - 2013 CR 0.612%	0	0	-271
Total Technical Adjustments	0	0	-271
Base Adjustments			
ATB Transfers	-13	0	-27,029
Pay & Benefits	0	5	182
Domestic Rent & Facilities	0	0	-21
Other Adjustments	0	0	3
Total Base Adjustments	-13	5	-26,865
2014 Current Services	59	59	17,442
Program Changes			
Increases:			
IT Transformation and Cyber Security	0	0	8,400
Data Centers	0	0	[14,000]
Desktops	0	0	[5,000]
Email and Collaboration	0	0	[11,300]
IT Security	0	0	[1,700]
Mobility	0	0	[2,800]
Telecommunications	0	0	[600]
Subtotal, Program Increases	0	0	8,400
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	0	0	8,400
2014 Request	59	59	25,842

* The 2013 Continuing Resolution includes the 0.612% funding above current rate, provided by P.L. 112-175, sec. 101 (c).

** The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

Justice Information Sharing Technology
(Dollars in Thousands)

Comparison by activity and program	2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Justice Information Sharing Technology	72	54	44,307	59	59	17,442
Total	72	54	44,307	59	59	17,442
Reimbursable FTE	0	0	0	0	0	0
Grand Total	72	54	44,307	59	59	17,442

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Justice Information Sharing Technology	0	0	8,400	59	59	25,842
Total	0	0	8,400	59	59	25,842
Reimbursable FTE	0	0	0	0	0	0
Grand Total	0	0	8,400	59	59	25,842



Administrative Review and Appeals Executive Office for Immigration Review (EOIR)

FY 2014 Budget Request At A Glance

FY 2012 Enacted:	\$302.3 million (1,582 positions; 506 attorneys)
Current Services Adjustments:	+\$2.3 million
Program Changes:	+\$25.0 million
FY 2014 Budget Request:	\$329.6 million (1,793 positions; 559 attorneys)
Change From FY 2012 Enacted:	+\$27.3 million (+9.0%) (+211 positions; +53 attorneys)

Mission:

The mission of EOIR is to adjudicate immigration cases in a careful and timely manner, including cases involving detained aliens, criminal aliens, and aliens seeking asylum as a form of relief from removal, while ensuring the standards of due process and fair treatment for all. The Board of Immigration Appeals' mission is to provide timely guidance and interpretation of immigration law.

Organization:

EOIR was created on January 9, 1983, through an internal Department of Justice (DOJ) reorganization that combined the Board of Immigration Appeals (BIA or Board) with the Immigration Judge function. Besides establishing EOIR as a separate agency within DOJ, this reorganization made the Immigration Courts independent of the agency charged with enforcement of federal immigration laws. The Office of the Chief Administrative Hearing Officer was added in 1987. EOIR is headed by a Director, appointed by the Attorney General, who oversees 58 Immigration Courts nationwide, as well as BIA and the headquarters organization located in Falls Church, VA.

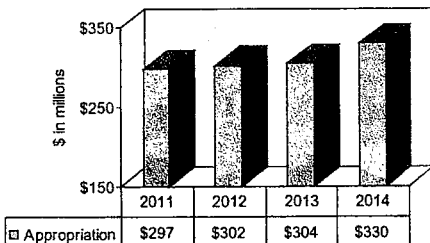
Resources:

The FY 2014 budget request for EOIR totals \$329.6 million, which is a 9.0% increase over the FY 2012 Enacted. The FY 2014 request includes an annual \$4 million transfer from the DHS Immigration Fee Account to EOIR.

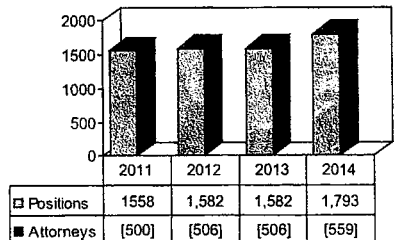
Personnel:

The EOIR's direct positions for FY 2014 total 1,793 positions. EOIR's FY 2014 request includes an increase of 211 positions over the FY 2012 Enacted of 1,582 direct positions.

Funding (FY 2011 - 2014)



Personnel (FY 2011 - 2014)



FY 2014 Strategy:

EOIR represents the Department's front-line presence with respect to the application of immigration law. Cases are received, across the Nation, directly from Department of Homeland Security (DHS) enforcement personnel. As such, the coordination of resource allocation between DOJ/EOIR and DHS is critical.

EOIR strategies are two-fold. First, on a continuing basis, EOIR's Office of the Chief Immigration Judge monitors caseload volume, trends, and geographic concentration and adjusts resource allocations accordingly (modifying local dockets, adjusting detail assignments, and permanently reassigning judge and staff positions from lower to higher volume courts). This also includes the expansion of the use of video teleconferencing to hear cases from remote locations. This strategy involves close national and local coordination with DHS immigration enforcement personnel.

EOIR's second strategy also involves coordinating initiatives and program increases with DHS. Within DHS, Immigration and Customs Enforcement and Customs and Border Protection bring together the majority of immigration enforcement programs that generate immigration caseload.

EOIR has to plan and coordinate with DHS as enforcement programs increase. EOIR's immigration court cases continue to grow with DHS' heightened enforcement efforts. In FY 2009, EOIR received 394,000 matters, a record volume which was replicated in FY 2010. Case receipts continue to rise and exceeded 430,000 at the end of FY 2011. As a consequence, the number of matters pending adjudication rose from 229,000 at the end of FY 2009 to approximately 275,000 by mid FY 2011 and 326,000 by the end of FY 2012, an increase of over 90,000 matters. This represents a 37% increase in matters pending adjudication from the beginning of FY2010 to the end of FY 2012. Additionally, BIA receives over 30,000 appeals per year, which is an extremely large volume for an appellate body.

DHS enforcement efforts will likely sustain a high level of immigration court case receipts well into the future. Most notably, EOIR is working closely with DHS as it expands the Secure Communities initiative, a program that has a direct impact on EOIR court operations and its detained docket caseload. To provide EOIR with resources to complement increases at DHS, the FY 2014 request includes a program increase of \$17 million for EOIR to add 30 new Immigration Judge teams, allowing it to better coordinate with DHS enforcement efforts and adjudicate more cases annually. While this additional staff will help EOIR keep pace with its increasing workload, particularly its detained cases, it is not enough to help EOIR tackle its backlog of non-detained cases.

To better help EOIR develop and implement its e-World system, which includes the automation of immigration documents and case files, its proposed FY 2014 Appropriations Language will grant the Office carryover authority "not to exceed \$5,000,000 for information technology systems to remain available until expended".

FY 2014 Program Changes:

Immigration Judge Teams - Coordination with DHS Enforcement Initiatives: \$17.0 million and 211 positions (53 attorneys)

This increase will enable EOIR to add 30 new Immigration Judge Teams to help adjudicate rising caseloads resulting from increased DHS enforcement efforts, most notably DHS's high priority Secure Communities Initiative. An IJ team consists of an Immigration Judge, Language Specialist, Legal Technician, Clerk and Law Clerk, as well as a BIA Attorney and Paralegal for every other team. EOIR currently has 254 IJ teams on-board. The addition of 30 new IJ teams in FY 2014 will bring the IJ total to 284. FY 2014 current services for this program are 1,582 positions (506 attorneys) and \$311.7 million.

Legal Orientation Program: \$4.0 million and 0 positions

This increase will expand the successful Legal Orientation Program and improve efficiencies in immigration court proceedings for detained aliens by increasing their awareness of their rights and the overall process. Evaluation reports have shown that LOP participants complete their immigration court cases in detention on an average of 13 days faster than detainees who do not participate in an LOP. The requested program increase will respond to elevated demand at existing sites and enable LOP to add 12 additional sites to the 26 already operating, 24 of which are in detention centers. The FY 2013 President's Budget included this request; the FY 2014 President's Budget includes the same request but in a different amount. The current request is higher because the programmatic need has been re-examined and the amount requested adjusted accordingly. The FY 2014 current services for this program are \$6 million.

Pilot - Innovation Ideas: \$4.0 million and 0 positions

This additional funding will enable EOIR to develop, implement, and evaluate a pilot program to provide counsel to vulnerable populations, such as unaccompanied alien children, thus increasing efficiencies within the immigration courts. There are no current services for this initiative.

Executive Office for Immigration Review
(Dollars in Thousands)

	Executive Office for Immigration Review		
	Pos	FTE**	Amount
2012 Enacted	1,582	1,435	302,275
2013 Continuing Resolution*	1,582	1,359	304,124
2014 Request	1,793	1,464	329,569
Change 2014 from 2012 Enacted	211	29	27,294
Technical Adjustments			
DHS Immigration Examination Fee Account	0	0	-4,000
Adjustment - 2013 CR 0.612%	0	0	-1,849
Total Technical Adjustments	0	0	-5,849
Base Adjustments			
ATB Transfers	0	0	4,409
Pay & Benefits	0	0	2,027
Domestic Rent & Facilities	0	0	-142
Total Base Adjustments	0	0	6,294
2014 Current Services	1,582	1,359	304,569
Program Changes			
Increases:			
Immigration Judge Teams - Coordination with DHS Enforcement Initiatives	211	105	17,000
Legal Orientation Program	0	0	4,000
Pilot - Innovation Ideas	0	0	4,000
Subtotal, Program Increases	211	105	25,000
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	211	105	25,000
2014 Request	1,793	1,464	329,569

* The 2013 Continuing Resolution includes the 0.612% funding above current rate, provided by P.L. 112-175, sec. 101 (c).

** The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

Executive Office for Immigration Review
(Dollars in Thousands)

Comparison by activity and program	2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Executive Office for Immigration Review	1,582	1,435	302,275	1,582	1,359	304,569
Total	1,582	1,435	302,275	1,582	1,359	304,569
Reimbursable FTE	0	0	0	0	0	0
Grand Total	1,582	1,435	302,275	1,582	1,359	304,569

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Executive Office for Immigration Review	211	105	25,000	1,793	1,464	329,569
Total	211	105	25,000	1,793	1,464	329,569
Reimbursable FTE	0	0	0	0	0	0
Grand Total	211	105	25,000	1,793	1,464	329,569



Administrative Review and Appeals Office of Pardon Attorney (OPA)

FY 2014 Budget Request At A Glance

FY 2012 Enacted:	\$2.7 million (15 positions; 7 attorneys)
Current Services Adjustments:	+\$53,000
Program Changes:	+\$800,000
FY 2014 Budget Request:	\$3.6 million (22 positions; 11 attorneys)
Change From FY 2012 Enacted:	+\$853,000 (+31.3%) (+7 positions; +4 attorneys)

Mission:

The Office of the Pardon Attorney, in consultation with the Attorney General or his designee, assists the President in the exercise of his executive clemency power as authorized under Article II, Section 2, of the Constitution. Under the Constitution, the President's clemency power extends only to federal criminal offenses. All requests for executive clemency for federal offenses are directed to the Pardon Attorney for investigation and review. The Pardon Attorney prepares the Department's recommendation to the President for final disposition of each application. Executive clemency may take several forms including pardon, commutation of sentence, remission of fine or restitution, and reprieve.

Resources:

The FY 2014 budget request for OPA totals \$3.6 million, which is a 31.3% increase over the FY 2012 Enacted.

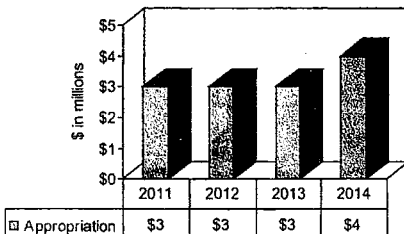
Organization:

OPA is headed by the Pardon Attorney who is appointed by the Attorney General. The Office is located in Washington, DC.

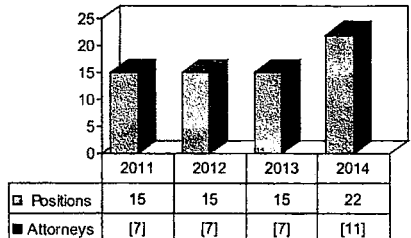
Personnel:

The OPA's direct positions for FY 2014 total 22 positions. OPA's FY 2014 request includes an increase of 7 positions over the FY 2012 Enacted of 15 direct positions.

Funding (FY 2011 - 2014)



Personnel (FY 2011 - 2014)



FY 2014 Strategy:

OPA maintains in paper records and on compact discs, copies of documents signed by Presidents from George Washington through the current President granting pardons or other forms of clemency.

OPA faces external and internal challenges. Starting in FY 2008, the number of applications for executive clemency submitted to the Office of the Pardon Attorney for processing grew to exceed 2,000 petitions annually, a historically high volume. This trend of approximately 2,000 annual filings has continued. During FY 2011, OPA received 331 pardon applications and 1,585 commutation applications, for a total of 1,916 new petitions. In FY 2012, OPA received 383 pardon applications and 1,547 commutation applications for a total of 1,930 new petitions. During the first six months of FY 2013, OPA received 168 pardon applications and 1,096 commutation applications, for a total of 1,264 new petitions.

Moreover, the numbers of petitions filed for commutation of sentence are likely to remain extremely high for the foreseeable future. The high volume of the latter filings is due to the growth of the federal prison population, the elimination of other possibilities of release such as parole, and the variety of federal crimes subject to mandatory minimum sentences.

In addition to the volume of new cases, many of the letters of advice prepared by OPA are, out of necessity, more detailed than was common in the past. There have been significant increases in media and public interest in clemency matters, and particularly in specific grants or denials of clemency by the President.

FY 2014 Program Changes:

Pardons and Commutations: \$800,000 and 7 positions (4 attorneys)

For additional support to achieve OPA's mission of advising and assisting the President in the exercise of his executive clemency power. These additional resources will help OPA address its increasing workload and growing number of pardon and commutation applications received and reviewed annually. The FY 2014 current services for this initiative are 15 positions (7 attorneys) and \$2.78 million.

Office of Pardon Attorney
(Dollars in Thousands)

	Office of Pardon Attorney		
	Pos	FTE **	Amount
2012 Enacted	15	14	2,725
2013 Continuing Resolution*	15	14	2,742
2014 Request	22	18	3,578
Change 2014 from 2012 Enacted	7	4	853
Technical Adjustments			
Adjustment - 2013 CR 0.612%	0	0	-17
Total Technical Adjustments	0	0	-17
Base Adjustments			
Pay & Benefits	0	0	25
Domestic Rent & Facilities	0	0	28
Total Base Adjustments	0	0	53
2014 Current Services	15	14	2,778
Program Changes			
Increases:			
Pardons and Commutations	7	4	800
Subtotal, Program Increases	7	4	800
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	7	4	800
2014 Request	22	18	3,578

* The 2013 Continuing Resolution includes the 0.612% funding above current rate, provided by P.L. 112-175, sec. 101 (c).

** The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

Office of Pardon Attorney
(Dollars in Thousands)

Comparison by activity and program	2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Office of the Pardon Attorney	15	14	2,725	15	14	2,778
Total	15	14	2,725	15	14	2,778
Reimbursable FTE	0	0	0	0	0	0
Grand Total	15	14	2,725	15	14	2,778

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Office of the Pardon Attorney	7	4	800	22	18	3,578
Total	7	4	800	22	18	3,578
Reimbursable FTE	0	0	0	0	0	0
Grand Total	7	4	800	22	18	3,578



Office of the Inspector General (OIG)

FY 2014 Budget Request At A Glance

FY 2012 Enacted:	\$84.2 million (474 positions; 30 attorneys; 139 agents)
Current Services Adjustments:	+\$1.2 million
Program Changes:	+\$430,000
FY 2014 Budget Request:	\$85.8 million (474 positions; 30 attorneys; 139 agents)
Change From FY 2012 Enacted:	+\$1.6 million (+2.0%)

Mission:

The mission of the OIG is to investigate allegations of fraud, waste, abuse, and misconduct by Department employees, contractors, and grantees, and to promote economy and efficiency in Department operations. The OIG is an independent entity within the Department that reports to both the Attorney General and Congress on issues that affect the Department's personnel or operations.

Organization:

The OIG consists of the Inspector General, the Deputy Inspector General, the Office of the General Counsel, and five components each headed by an Assistant Inspector General. The 5 OIG components are: the Audit Division, the Investigations Division, the Evaluation and Inspections Division, the Oversight and Review Division, and the Management and Planning Division. The OIG operates Audit and Investigations field offices in 15 cities throughout the Nation.

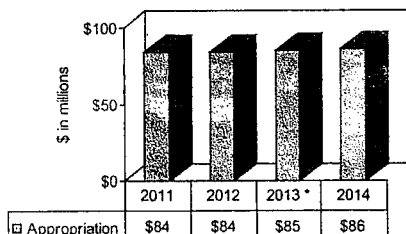
Resources:

The FY 2014 budget request for OIG totals \$85.8 million, which is a 2.0% increase over the FY 2012 Enacted.

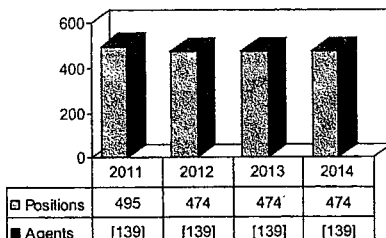
Personnel:

The OIG's direct positions for FY 2014 total 474 positions and is the same as the FY 2012 Enacted.

Funding (FY 2011 - 2014)



Personnel (FY 2011 - 2014)



FY 2014 Strategy:

The OIG is committed to assuring the Attorney General, Congress and the taxpayers that the substantial funding provided to support the Department and infrastructure investments are used efficiently, effectively, and for their intended purposes.

The OIG has jurisdiction over all complaints of misconduct against Department employees in the Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), Federal Bureau of Prisons (BOP), U.S. Marshals Service (USMS), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), U.S. Attorneys' Offices (USAO), Office of Justice Programs (OJP), and other Offices, Boards and Divisions.

In FY 2014, the OIG will investigate alleged violations of criminal and civil law, regulations, and ethical standards arising from the conduct of Department employees in their numerous and diverse activities. The OIG will also audit and inspect Department programs and assist management in promoting integrity, economy, efficiency, and efficacy. The OIG also plans to fully meet its responsibilities to oversee the Department's critical counterterrorism, information technology systems, cybercrime, detention and incarceration, law enforcement and grant-related activities.

FY 2014 Program Changes:**Council of the Inspector General on Integrity and Efficiency: \$458,000 and 0 positions**

This funding will support the coordinated government-wide activities that identify and review areas of weakness and vulnerability in federal programs and operations with respect to fraud, waste, and abuse. The FY 2013 President's Budget included this request; the FY 2014 President's Budget includes the same request in the same amount. There are no current services for this initiative.

Program Offset - IT Savings: -\$38,000 and 0 positions

The Department is actively reviewing its IT programs to identify efficiencies and improve performance. Some of the areas being reviewed include consolidation of commodity IT services and strategic sourcing. The Department is also improving IT governance, visibility, and program management. These efforts, along with those conducted by OIG, will result in an FY 2014 offset of \$.04 million. The FY 2013 President's Budget included this request; the FY 2014 President's Budget includes the same request but in a different amount. The current request is lower because we have re-examined the need and adjusted the amount requested accordingly. FY 2014 current services for this initiative are \$5.6 million.

Office of the Inspector General
(Dollars in Thousands)

	Office of the Inspector General		
	Pos	FTE**	Amount
2012 Enacted	474	442	84,199
2013 Continuing Resolution *	474	431	84,714
2014 Request	474	431	85,845
Change 2014 from 2012 Enacted	0	-11	1,646
Technical Adjustments			
Adjustment - 2013 CR 0.612%	0	0	-515
Total Technical Adjustments	0	0	-515
Base Adjustments			
ATB Transfers	0	0	-33
Pay & Benefits	0	0	602
Domestic Rent & Facilities	0	0	623
Other Adjustments	0	0	24
Total Base Adjustments	0	0	1,216
2014 Current Services	474	431	85,415
Program Changes			
Increases:			
Council of the Inspector General on Integrity and Efficiency	0	0	468
Subtotal, Program Increases	0	0	468
Decreases:			
Program Offset - IT Savings	0	0	-38
Subtotal, Program Decreases	0	0	-38
Total Program Changes	0	0	430
2014 Request	474	431	85,845

* The 2013 Continuing Resolution includes the 0.612% funding above current rate, provided by P.L. 112-175, sec. 101 (c).

** The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

Office of the Inspector General
(Dollars in Thousands)

Comparison by activity and program	2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
OIG Audits, Inspections, Investigations, and Reviews	474	442	84,199	474	431	85,415
Total	474	442	84,199	474	431	85,415
Reimbursable FTE	0	23	0	0	23	0
Grand Total	474	465	84,199	474	454	85,415

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
OIG Audits, Inspections, Investigations, and Reviews	0	0	430	474	431	85,845
Total	0	0	430	474	431	85,845
Reimbursable FTE	0	-2	0	0	21	0
Grand Total	0	-2	430	474	452	85,845



U.S. Parole Commission (USPC)

FY 2014 Budget Request At A Glance

FY 2012 Enacted:	\$12.8 million (85 positions; 7 attorneys)
Current Services Adjustments:	+\$188,000
Program Changes:	+\$0
FY 2014 Budget Request:	\$13.0 million (85 positions; 7 attorneys)
Change From FY 2012 Enacted:	+\$188,000 (+1.5%)

Mission:

The mission of the U.S. Parole Commission (USPC) is to promote public safety and strive for justice and fairness in the exercise of its authority to release and supervise offenders under its jurisdiction. USPC has jurisdiction over federal offenders who committed offenses before November 1, 1987; all District of Columbia offenders; Uniform Code of Military Justice offenders who are in the custody of the Bureau of Prisons; Transfer Treaty cases (United States citizens convicted in foreign countries, who have elected to serve their sentence in this country); and State probationers and Parolees in the Federal Witness Protection Program. USPC renders decisions on National Appeals Board cases and decides action on supervision, parole, or return to custody cases under their jurisdiction.

Organization:

USPC is managed by the Commission Chairman who, along with four other commissioners, is appointed by the President with the advice and consent of the Senate. All USPC offices and staff are located in the District of Columbia. The staff carries out the Commission's operations and support functions.

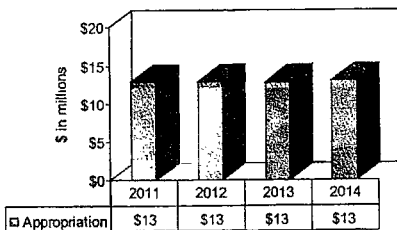
Resources:

The FY 2014 budget request for USPC totals \$13.0 million, which is a 1.5% increase over the FY 2012 Enacted level.

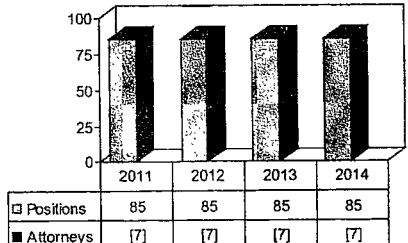
Personnel:

The USPC's direct positions for FY 2014 total 85 positions and is the same as FY 2012 Enacted.

Funding (FY 2011 - 2014)



Personnel (FY 2011 - FY 2014)



FY 2014 Strategy:

In meeting its statutory requirements, USPC continues to face challenges that are complex and evolving. The major task before USPC is to take immediate action on violent offenders, while reducing recidivism rates for low-risk, non-violent offenders by implementing new revocation guidelines and establishing alternatives to incarceration. USPC policies and program strategies that are key to reducing recidivism rates include using:

- appearance notices to encourage an offender under supervision in the community to appear at a revocation hearing;
- reprimand sanctions hearings to confront an offender to address non-compliant behavior and to make a commitment to make positive behavioral changes, thus complying with the conditions of release;
- drug treatment centers to address an offender's drug abuse problem, thereby reducing the chance of returning to prison; and
- mental health hearing dockets to increase the treatment engagement of the mentally ill offenders to reduce their risk level in the community.

The FY 2014 strategy maintains the Commission's focus on returning low-risk non-violent offenders to parole or supervised release rather than prison when possible. However, USPC will continue to issue warrants for those that willfully violate the conditions of their release and for those with the most egregious behavior (typically tied to violence, child abuse, sex offenses, etc.). This approach keeps communities safe while returning productive, low-risk offenders back to the community in a timely and cost efficient manner.

USPC currently projects the total prisoner and parolee population, including District of Columbia (D.C.) supervised releases, will be approximately 20,600 in FY 2014. The federal population is projected to be 3,600 and includes 1,200 federal prisoners and other offenders such as witness security, foreign treaty and military justice offenders, and 2,400 parolees. The D.C. population under USPC's jurisdiction is projected to be about 17,000, and includes 8,000 prisoners and 9,000 parolees and supervised releases.

Much of the D.C. caseload is driven by offenders under supervision in the community that require USPC to evaluate their progress, keep track of those that are at risk, and impose additional sanctions or conditions to ensure public safety.

FY 2014 Program Changes:

There are no program changes for USPC.

U.S. Parole Commission
(Dollars in Thousands)

U.S. Parole Commission			
	Pos	FTE**	Amount
2012 Appropriation	85	74	12,833
2013 Continuing Resolution*	85	74	12,912
2014 Request w/o rescissions	85	74	13,021
Change 2014 from 2012 Enacted	0	-0	188
Technical Adjustments			
Adjustment - 2013 CR 0.612%	0	0	-79
Total Technical Adjustments	0	0	-79
Base Adjustments			
ATB Transfers	0	0	38
Pay & Benefits	0	0	120
Domestic Rent & Facilities	0	0	30
Total Base Adjustments	0	0	188
2014 Current Services	85	74	13,021
Program Changes			
Program Increases	0	0	0
Program Decreases	0	0	0
Total Program Changes	0	0	0
2014 Request	85	74	13,021

* The 2013 Continuing Resolution includes the 0.612% funding above current rate, provided by P.L. 112-175, sec. 101 (c).

** The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

U.S. Parole Commission
(Dollars in Thousands)

Comparison by activity and program	FY 2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
United States Parole Commission	85	74	12,833	85	74	13,021
Total	85	74	12,833	85	74	13,021
Reimbursable FTE	0	0	0	0	0	0
Grand Total	85	74	12,754	85	74	13,021

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
United States Parole Commission	0	0	0	85	74	13,021
Total	0	0	0	85	74	13,021
Reimbursable FTE	0	0	0	0	0	0
Grand Total	0	0	0	85	74	13,021



National Security Division (NSD)

FY 2014 Budget Request At A Glance

FY 2012 Enacted:	\$87.0 million (359 positions; 236 attorneys)
Current Services Adjustments:	+\$5.1 million
Program Changes:	+\$4.1 million
FY 2014 Budget Request:	\$96.2 million (389 positions; 256 attorneys)
Change From FY 2012 Enacted:	+\$9.2 million (+10.6%) (+30 positions; +20 attorneys)

Mission:

The National Security Division (NSD) is responsible for combating terrorism and other threats to national security—the Department of Justice's highest priority. The NSD consolidates, within a single Division, the Department's primary national security elements outside of the Federal Bureau of Investigation. This organizational structure strengthens the effectiveness of the Department's national security efforts by ensuring greater coordination and unity of purpose between prosecutors, law enforcement agencies, intelligence attorneys, and the Intelligence Community.

Resources:

The FY 2014 budget request for NSD totals \$96.2 million, which is a 10.6% increase over the FY 2012 Enacted.

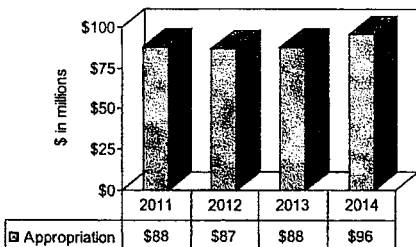
Organization:

NSD is headed by an Assistant Attorney General (AAG), who is appointed by the President and confirmed by the Senate. The AAG oversees a Division that is organized into the Office of Intelligence (Operations, Oversight, and Litigation Sections); Counterterrorism and Counterespionage Sections; Law and Policy Office; Office of Justice for Victims of Overseas Terrorism; and Executive Office.

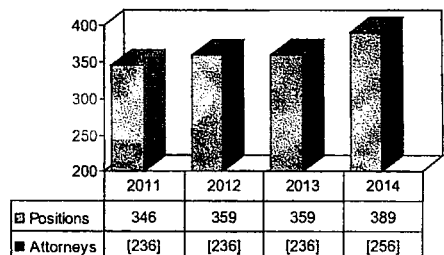
Personnel:

The NSD's direct positions for FY 2014 total 389 positions. NSD's FY 2014 request includes an increase of 30 positions over the FY 2012 enacted level.

Funding (FY 2011 - 2014)



Personnel (FY 2011 - 2014)



FY 2014 Strategy:

In FY 2014, the National Security Division (NSD) will continue to fulfill its responsibilities in the areas of Intelligence Operations, Oversight, and Litigation; Counterterrorism; Counterespionage; Counterproliferation; Foreign Investment Review; Law and Policy Advice; and Victims of Terrorism Outreach.

In addition, NSD recently engaged in a comprehensive strategic assessment of the Division's current operations and future requirements. As a result of that assessment, NSD has outlined four areas of new or renewed focus that will guide its operations in FY 2014 and the coming years. They are:

- Combating cyber threats to national security and protecting national security assets;
- Enhancing NSD's intelligence programs and expanding its intelligence oversight function;
- Continuing to bring an all-tools, integrated approach to NSD's work, while also adapting to address the changing face of terrorism; and
- Reinvigorating NSD's development into a mature Division, capable of keeping pace with its national security partners and outpacing the threats the nation faces.

All of the program increases requested in NSD's FY 2014 budget map to these strategic goals and priorities will ensure that NSD remains best positioned to fulfill the Department's top priority mission in the face of increasing challenges and a growing and evolving threat.

FY 2014 Program Changes:

Combating Cyber Threats to National Security: \$3.5 million and 26 positions (16 attorneys)

This increase will enable NSD to strengthen its investigative, prosecutorial, intelligence collection, and oversight abilities to support the Intelligence Community in identifying and disrupting cyber threats to national security.

FY 2014 current services for this program are 138 positions (132 attorneys) and \$27.0 million.

Combating Homegrown Violent Extremist Threats (HVE): \$320,000 and 2 positions (2 attorneys)

This will enable NSD to increase its investigative and prosecutorial efforts to combat the growing number of HVE threats against the United States and its citizens.

FY 2014 current services for this program are 71 positions (53 attorneys) and \$14.9 million.

Intelligence Collection: \$320,000 and 2 positions (2 attorneys)

This will enable NSD to increase its collection and use of intelligence information, specifically in support of the Division's and Intelligence Community's initiatives to combat the evolving threat of HVEs.

FY 2014 current services for this program are 165 positions (134 attorneys) and \$51.4 million.

National Security Division
(Dollars in Thousands)

	National Security Division		
	Pos	FTE**	Amount
2012 Enacted	359	298	87,000
2013 Continuing Resolution	359	304	87,532
2014 Request	389	325	96,240
Change 2014 from 2012 Enacted	30	27	9,240
Technical Adjustments			
Adjustment - 2013 CR 0.612%	0	0	-532
Total Technical Adjustments	0	0	-532
Base Adjustments			
ATB Transfers	0	0	1,091
Pay & Benefits	0	6	624
Domestic Rent & Facilities	0	0	3,417
Total Base Adjustments	0	6	5,132
2014 Current Services	359	310	92,132
Program Changes			
Increases:			
Combating Cyber Threats to National Security	26	13	3,468
Combating Homegrown Violent Extremist Threats (HVE)	2	1	320
Intelligence Collection	2	1	320
Subtotal, Program Increases	30	15	4,108
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	30	15	4,108
2014 Request	389	325	96,240

* The 2013 Continuing Resolution includes the 0.612% funding above current rate, provided by P.L. 112-175, sec. 101 (c).

** The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

National Security Division
(Dollars in Thousands)

Comparison by activity and program	2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
National Security	359	298	87,000	359	310	92,132
Total	359	298	87,000	359	310	92,132
Reimbursable FTE	0	0	0	0	0	0
Grand Total	359	298	87,000	359	310	92,132

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
National Security	30	15	4,108	389	325	96,240
Total	30	15	4,108	389	325	96,240
Reimbursable FTE	0	0	0	0	0	0
Grand Total	30	15	4,108	389	325	96,240



GENERAL LEGAL ACTIVITIES Office of the Solicitor General (OSG)

FY 2014 Budget Request At A Glance

FY 2012 Enacted:	\$10.7 million (48 positions; 22 attorneys)
Current Services Adjustments:	+\$942,000
Program Changes:	-\$231,000
FY 2014 Budget Request:	\$11.4 million (54 positions; 22 attorneys)
Change From FY 2012 Enacted	+\$711,000 (+6.6%) (+6 positions)

Mission:

The mission of the Office of the Solicitor General (OSG) is to conduct all litigation on behalf of the United States and its agencies in the Supreme Court of the United States, to approve decisions to appeal and seek further review in cases involving the United States in the lower federal courts, and to supervise the handling of litigation in the federal appellate courts.

Organization:

OSG is headed by the Solicitor General, who is appointed by the President and confirmed by the Senate. Within the attorney staff, 17 career Assistants to the Solicitor General work with three career Deputy Solicitors General, the Principal Deputy Solicitor General, and the Solicitor General to prepare oral arguments, Supreme Court briefs, and other related legal materials. The 32 support positions are organized into four sections which include Administration, Case Management, Research and Publication, and Research and Freedom of Information Act.

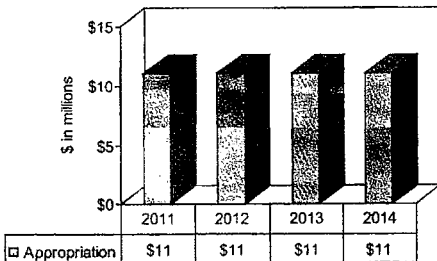
Resources:

The FY 2014 budget request for OSG totals \$11.4 million, which is a 6.6% increase over the FY 2012 Enacted. This is reflective of the transfer of positions and funds from the Office of Legal Counsel (OLC) as part of the executive office functions merger with OSG completed in FY 2012.

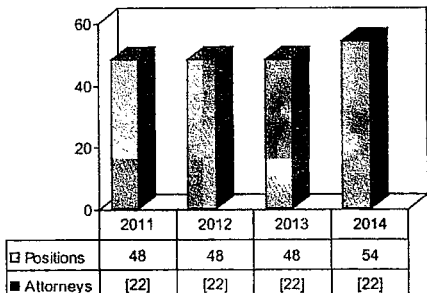
Personnel:

The OSG's direct positions for FY 2014 total 54 positions. OSG's FY 2014 request includes an increase of 6 positions over the FY 2012 Enacted of 48 direct positions. In FY 2012, 6 positions were transferred to OSG as part of the executive office functions merger with OLC.

Funding (FY 2011 - 2014)



Personnel (FY 2011 - 2014)



FY 2014 Strategy:

The Office of the Solicitor General (OSG) is required to handle all appropriate Supreme Court cases and requests for appeal, amicus, or intervention authorization. In the vast majority of cases filed in the Supreme Court in which the United States is a party, a petition is filed by an adverse party and the United States responds in some way, either by filing a brief or (after reviewing the case) waiving its right to do so. Additionally, the Supreme Court formally requests the Solicitor General to express the views of the United States on whether the Court should grant certiorari in cases in which the United States is not a party. The number of cases in which the Solicitor General petitions the Supreme Court for review, acquiesces in a petition for a writ of certiorari filed by an adverse party, or participates as an intervener or as amicus curiae is governed exclusively by the Solicitor General's determination that it is in the best interest of the United States to take such action. Further, such activity may vary widely from year to year, which limits the Office's ability to plan its workload.

FY 2014 Program Changes:

Program	Offset	Administrative	Functions
Consolidation: -\$231,000 and 0 positions			
The Office of Legal Counsel (OLC) and OSG are similarly sized components of the General Legal Activities (GLA) appropriation. Several executive office functions were consolidated by merging the executive offices of OLC and OSG into a single, unified executive office. This consolidation streamlines the executive office functions of OSG and OLC and combines many of the overlapping functions. The FY 2013 President's Budget included this request; the FY 2014 President's Budget includes the same request in the same amount. OSG's FY 2014 current services for this initiative are 6 positions and \$579,000.			

Office of the Solicitor General
(Dollars in Thousands)

Office of the Solicitor General			
	Pos	FTE**	Amount *
2012 Appropriation	48	49	10,724
2013 Continuing Resolution *	48	49	10,790
2014 Request	54	55	11,435
Change 2014 from 2012 Enacted	6	6	711
Technical Adjustments			
Adjustment - 2013 CR 0.612%	0	0	-66
Total Technical Adjustments	0	0	-66
Base Adjustments			
ATB Transfers	6	6	583
Pay & Benefits	0	0	298
Domestic Rent & Facilities	0	0	61
Total Base Adjustments	6	6	942
2014 Current Services	54	55	11,666
Program Changes			
Program Increases	0	0	0
Decreases:			
Program Offset - Administrative Functions Consolidation	0	0	-231
Subtotal, Program Decreases	0	0	-231
Total Program Changes	0	0	-231
2014 Request	54	55	11,435

* The 2013 Continuing Resolution includes the 0.612% funding above current rate, provided by P.L. 112-175, sec. 101 (c).

** The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

Office of the Solicitor General

(Dollars in Thousands)

Comparison by activity and program	2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Federal Appellate Activity	48	49	10,724	54	55	11,666
Total	48	49	10,724	54	55	11,666
Reimbursable FTE	0	0	0	0	0	0
Grand Total	48	49	10,724	54	55	11,666

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Federal Appellate Activity	0	0	-231	54	55	11,435
Total	0	0	0	54	55	11,435
Reimbursable FTE	0	0	0	0	0	0
Grand Total	0	0	0	54	55	11,435



GENERAL LEGAL ACTIVITIES Tax Division (TAX)

FY 2014 Budget Request At A Glance

FY 2012 Enacted:	\$104.9 million (639 positions; 377 attorneys)
Current Services Adjustments:	+\$1.6 million
Program Changes:	+\$0
FY 2014 Budget Request:	\$106.5 million (639 positions; 377 attorneys)
Change From FY 2012 Enacted:	+\$1.6 million (+1.5%)

Mission:

The Tax Division's mission is to enforce the nation's tax laws fully, fairly, and consistently, through both criminal and civil litigation, in order to promote voluntary compliance with the tax laws, maintain public confidence in the integrity of the tax system, and promote the sound development of the law.

Organization:

The Tax Division is headed by an Assistant Attorney General (AAG), who is appointed by the President and confirmed by the Senate. Four Deputy Assistant Attorneys General (DAAG) help manage the Division. All of the Division's offices are located in Washington, D.C., except the Southwestern Civil Trial Section, which is located in Dallas, Texas. Attorneys travel domestically and internationally for litigation activities.

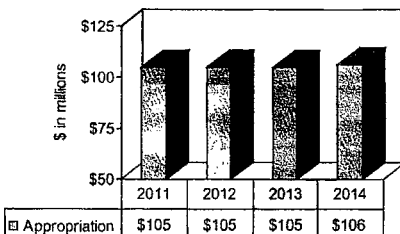
Resources:

The FY 2014 budget request for TAX totals \$106.5 million, which is a 1.5% increase over the FY 2012 Enacted.

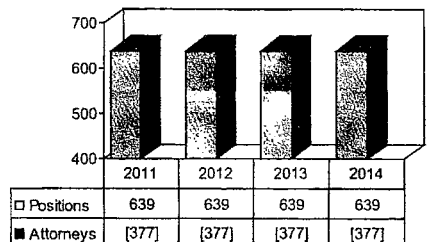
Personnel:

The TAX's direct positions for FY 2014 total 639 positions and is the same as FY 2012 Enacted.

Funding (FY 2011 - 2014)



Personnel (FY 2011 - 2014)



FY 2014 Strategy:

The Tax Division will continue to play a significant role in the government's efforts to enforce the tax laws fully and fairly, in both the civil and criminal arena, and to combat abuse of the Nation's internal revenue laws. The Division's litigation furthers the Administration's goal of reducing the Tax Gap, and also represents a significant return on investment, as the sums collected and refunds saved by the Division consistently exceed its annual appropriation. Taking into account the tax dollars collected and the tax refunds not paid as a result of our litigation, the Division has returned \$14 for each dollar invested. In addition, the Division's strategy of publicizing its litigation accomplishments has an incalculable deterrent effect on would-be tax offenders, while also strengthening the Nation's voluntary compliance system by assuring law-abiding taxpayers that those who attempt to shirk their lawful responsibilities will be held accountable.

The Division's criminal enforcement strategy is to ensure strong, consistent and uniform prosecution of the criminal tax laws to punish offenders, deter future violations, and reassure honest taxpayers that they will not bear an undue share of the federal tax burden. For FY 2014, the Tax Division has identified three continuing high-priority criminal-enforcement areas: stolen identity refund fraud (SIRF) cases; international noncompliance; and tax defiers (also known as illegal tax protestors). Stolen identity refund fraud costs the Government billions of dollars and affects tens of thousands of citizens. In the international area, the Division, along with the IRS, has made great strides in recent years in eroding the use of secret foreign bank accounts, which serve as the linchpin of international noncompliance. The Division also will continue its emphasis on investigating and prosecuting tax defiers, who often are linked to nationwide groups that espouse violent actions against the Government and some of its citizens. The Division also will play a critical role in investigating and prosecuting tax-related fraud cases. Tax charges have long been used to prosecute complex fraud cases when other criminal conduct is difficult to prove. Prosecutions of those individuals engaged in mortgage fraud, securities fraud, and other financial fraud is strengthened by the addition of tax charges, and by the expertise and experience of Tax Division attorneys.

The Tax Division's primary civil strategy is to litigate federal tax cases filed by and against taxpayers in the federal courts. By targeting particularly acute tax enforcement problems that threaten tax administration, the Division ensures that the tax laws are properly enforced. The Tax Division defends the Federal Treasury against tax refund claims arising from complex and abusive corporate and individual tax shelters that are estimated to cost the Treasury billions of dollars annually. The Division also brings suits to stop tax scam promoters and unscrupulous preparers, to collect unpaid taxes, and to allow the IRS to obtain information needed for tax enforcement.

FY 2014 Program Changes:

There are no program changes for TAX.

Tax Division
(Dollars in Thousands)

	Tax Division		
	Pos	FTE**	Amount
2012 Enacted	639	527	104,877
2013 Continuing Resolution*	639	519	105,519
2014 Request	639	519	106,479
Change 2014 from 2012 Enacted	0	-8	1,602
Technical Adjustments			
Adjustment - 2013 CR 0.612%	0	0	-642
Total Technical Adjustments	0	0	-642
Base Adjustments			
ATB Transfers	0	0	97
Pay & Benefits	0	0	860
Domestic Rent & Facilities	0	0	645
Total Base Adjustments	0	0	1,602
2014 Current Services	639	519	106,479
Program Changes			
Program Increases	0	0	0
Program Decreases	0	0	0
Total Program Changes	0	0	0
2014 Request	639	519	106,479

* The 2013 Continuing Resolution includes the 0.612% funding above current rate, provided by P.L. 112-175, sec. 101 (c).

** The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

Tax Division
(Dollars in Thousands)

Comparison by activity and program	2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
General Tax Matters	639	527	104,877	639	519	106,479
Total	639	527	104,877	639	519	106,479
Reimbursable FTE	0	0	0	0	0	0
Grand Total	639	527	104,235	639	519	106,479

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
General Tax Matters	0	0	0	639	519	106,479
Total	0	0	0	639	519	106,479
Reimbursable FTE	0	0	0	0	0	0
Grand Total	0	0	0	639	519	106,479



GENERAL LEGAL ACTIVITIES Criminal Division (CRM)

FY 2014 Budget Request At A Glance

FY 2012 Enacted:	\$174.0 million (751 positions; 440 attorneys)
Current Services Adjustments:	-\$2.6 million
Program Changes:	+\$11.1 million
FY 2014 Budget Request:	\$182.5 million (814 positions; 471 attorneys)
Change From FY 2012 Enacted:	+\$8.5 million (+4.9%) (+63 positions; +31 attorneys)

Mission:

The mission of the Criminal Division is to develop, enforce, and supervise the application of all federal criminal laws (except those specifically assigned to other divisions). The Division performs four key program activities to fulfill its mission, through which it provides leadership and coordination in the Department's efforts to meet its strategic goals: litigating cases (e.g. multi-jurisdictional and international cases); providing expert guidance and legal advice (to the Attorney General, foreign counterparts, federal, state, and local law enforcement agencies, and U.S. Attorneys' Offices); reviewing and implementing law enforcement tools (such as Title III wiretaps, attorney fee forfeitures, correspondent banking subpoenas, and foreign legal frameworks); and fostering and maintaining global partnerships.

Resources:

The FY 2014 budget request for CRM totals \$182.5 million, which is a 4.9% increase over the FY 2012 Enacted.

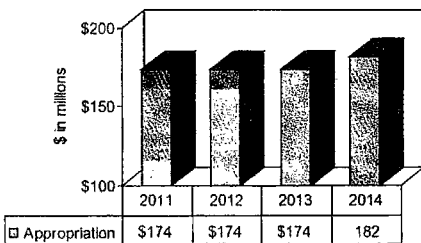
Organization:

The Division is headed by an Assistant Attorney General (AAG), who is appointed by the President and confirmed by the Senate. The AAG supervises the enforcement of federal criminal laws and policy for the Department of Justice, and supervises criminal prosecutions by the Division's almost 500 prosecutors on a broad range of matters including public corruption, corporate fraud, procurement fraud, computer crime, intellectual property crime, international organized crime, gang crime, narcotics offenses, money laundering offenses, child sexual exploitation, and human rights violations. Through the Division's extensive international operations via its reimbursable programs with the State Department and other agencies, CRM also has more than 100 direct and reimbursable staff in foreign offices.

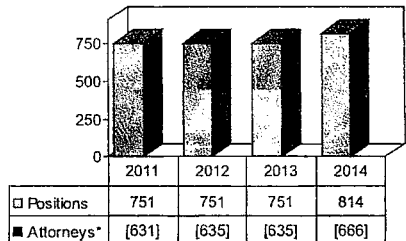
Personnel:

CRM's direct positions for FY 2014 total 814 positions. CRM's FY 2014 request includes an increase of 63 positions over the FY 2012 Enacted of 751 direct authorized positions. In addition, 195 attorneys are provided on a reimbursable basis, for a total of 666 attorneys. Of the total direct positions for FY 2014, 18 are located in foreign offices.

Funding (FY 2011 - 2014)



Personnel (FY 2011 - 2014)



* Includes Reimbursable Attorneys.

FY 2014 Strategy:

CRM has substantial prosecutorial expertise in a broad array of federal criminal subject matters, as well as formidable legal expertise and critical Department-wide operational resources. The Division plays a substantial role in helping the Department accomplish its mission by working to prevent terrorism; promote the nation's security consistent with the rule of law; prevent crime; protect the rights of the American people; and enforce federal law. Additionally, the Division plays the central role in the Department for maintaining global partnerships to further support the Department's mission and goals.

In working toward achieving the mission of the Department, the Division has identified several priority areas to ensure that the country's most critical justice needs, on both the national and transnational fronts, are effectively addressed, including:

- ensuring trust & confidence in government institutions
- ensuring the stability & security of domestic and global markets
- disrupting and dismantling criminal organizations
- protecting children and vindicating human rights
- promoting the rule of law internationally
- supporting national security

FY 2014 Program Changes:

Cyber Security: \$2.6 million and 25 positions (9 attorneys)
This request will enable CRM to combat the growing and evolving cyber threat. As the skill and organization of technologically sophisticated transnational criminals continues to increase, the Division will require additional resources to meet these new challenges. This enhancement will increase the Division's capability in four key areas: cybercrime investigations and prosecutions; advice and advocating legal tools and authorities; international cooperation and outreach; and forensic support. This increased capacity will allow the Division to successfully deter, investigate, and punish the theft of sensitive electronic information and other cybercrime. FY 2014 current services for this initiative are 122 positions (79 attorneys) and \$27.9 million.

Financial and Mortgage Fraud: \$5.0 million and 28 positions (16 attorneys)
CRM 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 FY 2013 President's Budget included this request; the FY 2014 President's Budget includes the same request in the same amount. The FY 2014 current services for this initiative are 268 positions (178 attorneys) and \$62.8 million.

Intellectual Property: \$3.5 million and 11 positions (7 attorneys)
This request supports the CRM in combating international piracy of intellectual property (IP). Industry loses hundreds of billions of dollars each year due to the counterfeiting and global trade of illegitimate goods. IP theft also reduces the incentive for innovation and creativity within the US economy. The request is for eleven additional positions, including four International Computer Hacking and Intellectual Property (ICHIP) coordinators (formerly known as Intellectual Property Law Enforcement Coordinators or IPLECs), who will be cross-designated as DOJ Attachés. These positions will enable the Department to quickly address IP threats when they are first noticed and stop them abroad more readily. The FY 2013 President's Budget included this request; the FY 2014 President's Budget includes the same request but in a different amount. The current request is lower because we have re-examined the need and adjusted the amount requested accordingly. The FY 2014 current services for this initiative are 22 positions (18 attorneys) and \$5.1 million.

Criminal Division
(Dollars in Thousands)

	Criminal Division		
	Pos	FTE**	Amount
2012 Enacted	751	686	174,000
2013 Continuing Resolution*	751	670	175,065
2014 Request	814	703	182,499
Change 2014 from 2012 Enacted	63	17	8,499
Technical Adjustments			
Adjustment - 2013 CR 0.612%	0	0	-1,065
Total Technical Adjustments	0	0	-1,065
Base Adjustments			
ATB Transfers	-1	-1	30
Pay & Benefits	0	0	1,225
Domestic Rent & Facilities	0	0	-1,319
Foreign Expenses	0	0	-2,517
Total Base Adjustments	-1	-1	-2,581
2014 Current Services	750	669	171,419
Program Changes			
Increases:			
Cyber Security	25	14	2,580
Financial and Mortgage Fraud	28	14	5,000
Intellectual Property	11	6	3,500
Subtotal, Program Increases	64	34	11,080
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	64	34	11,080
2014 Request	814	703	182,499

* The 2013 Continuing Resolution includes the 0.612% funding above current rate, provided by P.L. 112-175, sec. 101 (c).

** The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

Criminal Division
(Dollars in Thousands)

Comparison by activity and program	2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Enforcing Federal Criminal Laws	751	686	174,000	750	669	171,419
Total	751	686	174,000	750	669	171,419
Reimbursable FTE	0	268	0	0	282	0
Grand Total	751	954	174,000	750	951	171,419

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Enforcing Federal Criminal Laws	64	34	11,080	814	703	182,499
Total	64	34	11,080	814	703	182,499
Reimbursable FTE	0	0	0	0	282	0
Grand Total	64	34	11,080	814	985	182,499



GENERAL LEGAL ACTIVITIES Civil Division (CIV)

FY 2014 Budget Request At A Glance

FY 2012 Enacted:	\$283.1 million (1,420 positions; 1,020 attorneys)
Current Services Adjustments:	+\$5.6 million
Program Changes:	+\$8.6 million
FY 2014 Budget Request:	\$297.3 million (1,471 positions; 1,052 attorneys)
Change From FY 2012 Enacted:	+\$14.2 million (+5.0%) (+51 positions; +32 attorneys)

Mission:

The United States is party to about 50,000 lawsuits each year, representing some 200 client agencies. The vast majority involve lawsuits against the United States. Many suits challenge the constitutionality of statutes and policies. Most cases involve monetary disputes associated with government contracts or tort allegations. In 2012, some \$90 billion was at issue. By thwarting exaggerated claims, CIV's work avoided treasury payouts of about \$30 billion in 2012. Additionally, CIV generates revenue for government agencies, entitlement programs such as Medicare, and the General Fund by penalizing fraud, waste, and violations of consumer protection laws. In FY 2012, CIV recovered over \$6 billion and returned \$47 for each \$1 spent. Most notable is CIV's commitment to recovering money lost to financial fraud and misconduct leading up to and during the 2008 economic crisis. Lastly, CIV administers the Vaccine Injury Compensation Program, the Radiation Exposure Compensation Program, and the September 11th Victim Compensation Fund.

Resources:

The FY 2014 budget request for CIV totals \$297.3 million, which is a 5.0% increase over the FY 2012 Enacted.

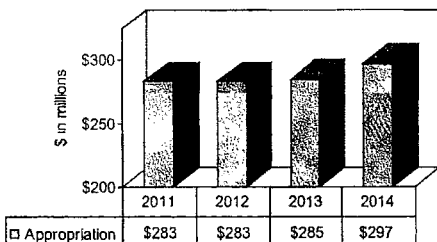
Organization:

The CIV Assistant Attorney General is appointed by the President and confirmed by the Senate. The Division is composed of six litigating branches and an administrative office. The Commercial Litigation Branch defends claims associated with government transactions and recovers money owed to Medicare, the military, government programs, and the U.S. treasury. The Federal Programs Branch defends the constitutionality of laws, regulations, and policies of the Government. The Office of Immigration Litigation represents the United States in immigration matters, such as removal actions and denaturalization. The Torts Branch handles a variety of defensive matters such as aviation and environmental issues, and is home to one of the Government's largest affirmative cases – Deepwater Horizon. The Appellate Staff represents the United States in federal circuit courts. The Consumer Protection Branch enforces laws to protect the public's health and safety. A core function is to vigorously enforce laws governing the financial sector and expose fraud that has hurt millions of Americans.

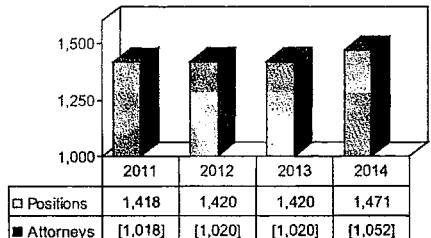
Personnel:

The CIV's direct positions for FY 2014 total 1,471 positions. CIV's FY 2014 request includes an increase of 51 positions over the FY 2012 Enacted of 1,420 direct positions.

Funding (FY 2011 - 2014)



Personnel (FY 2011 - 2014)



FY 2014 Strategy:

The Civil Division's role is two-fold: it must represent diverse government agencies while establishing legal precedents that best serve the Government as a whole. First, CIV defends the Federal Government to avoid payment of unmerited monetary claims. Defensive litigation, which represents almost 90 percent of the Division's work, reflects the diversity of government activities. CIV defends challenges to federal statutes, regulations, and policies in areas such as national security and entitlement programs. Additionally, CIV handles cases involving some of the Nation's most sensitive national security, immigration, and counterterrorism matters, including the Guantanamo Bay detainee habeas cases and challenges to foreign terrorist organizations.

Suits handled by CIV tend to be massive by any standard, requiring dedicated teams of attorneys and contract support for acquiring and computerizing evidence that may prove pivotal to prevailing in court. One of its largest cases involves matters related to the Deepwater Horizon explosion and oil spill in the Gulf of Mexico. CIV attorneys are working to recover billions of dollars in government response costs and to assess and pursue damages. CIV also represents the Government in the massive nearly \$60 billion lawsuit filed by AIG alleging that the Government's role during the recent financial crisis constitutes an unconstitutional taking. Most recently, CIV filed a lawsuit against Standard & Poor's for its fraudulent credit-rating practices that led to the financial crisis.

Because nearly 90% of CIV's cases are defensive, the Division has little control over its workload. It must respond to court mandates and production deadlines or bear unfavorable settlement agreements and court rulings. CIV strives to protect its two most important resources that have contributed to record successes in and out of court – its dedicated and highly-skilled workforce and its litigation support services. To preserve its staffing and access to information technology, CIV has drastically reduced spending elsewhere, including travel, consultants, printing, supplies, publications, performance awards, overtime pay, and utilities. Additionally, CIV's participation in the Residential Mortgage Backed Securities Working Group and Financial Fraud Enforcement Task Force enables fraud attorneys to utilize shared resources to better investigate mortgage and financial fraud resulting from misconduct leading up to and during the 2008 financial crisis.

Civil Division's program increases are proposed with the overarching goal of improving efficiency and concentrating resources on top priorities.

FY 2014 Program Changes:

Financial and Mortgage Fraud: \$7.0 million and 51 positions (32 attorneys)

This enhancement will boost CIV's efforts to combat fraud that goes to the very heart of the recent financial crisis. Funding this request will add muscle to its affirmative efforts to recover billions of dollars for federal coffers each year and reduce the nation's debt. When announcing the Division's lawsuit against the ratings firm Standard and Poor's, the Attorney General noted that resources for civil fraud enforcement are essential to hold accountable those who contributed to the worst economic crisis in recent history. In addition to recovering billions of dollars for the FDIC, CIV will also use the additional resources to provide justice for consumers who fell victim to unscrupulous mortgage fraud, debt relief, and other types of scams responsible for crippling many sectors of the economy today. The FY 2013 President's Budget included this request; the FY 2014 President's Budget includes the same request in the same amount. The FY 2014 current services for this initiative are 56 positions (46 attorneys) and \$16.3 million.

Attorney Productivity Initiative: \$1.6 million and 0 positions

The CIV goes head to head with the leading law firms in the Nation. Top law firms provide their attorneys with ample support resources so that they may focus their efforts on devising and implementing litigation strategies. For many, the ratio of support staff (including paralegals and secretaries) to attorneys is one support staffer for every one attorney. In contrast, the CIV has one secretary for every 7.5 attorneys and one paralegal for every six attorneys. This imbalance is inefficient and puts CIV at a distinct disadvantage when opposing blue chip firms in complex cases that often involve billions of dollars in claims.

This program increase is sought to promote attorney productivity by increasing the number of support personnel to assist with fact discovery, exhibit preparation, privilege review, database maintenance, and other support activities intrinsic to successful litigation. Absent this increase, attorneys will spend a significant amount of their time on paralegal and clerical tasks – diverting much needed resources from substantive legal work and endangering attorneys' legal representation in court and at the settlement table. This enhancement will provide funding to fill 17 positions that are currently vacant. Since the funding will fill vacant positions, no new positions are shown. The FY 2014 current services for this initiative are 278 positions (0 attorneys) and \$37.9 million.

Civil Division
(Dollars in Thousands)

	Civil Division		
	Pos	FTE**	Amount
2012 Enacted	1,420	1,326	283,103
2013 Continuing Resolution*	1,420	1,233	284,836
2014 Request	1,471	1,259	297,313
Change 2014 from 2012 Enacted	51	-67	14,210
Technical Adjustments			
Adjustment - 2013 CR 0.612%	0	0	-1,733
Total Technical Adjustments	0	0	-1,733
Base Adjustments			
ATB Transfers	0	0	1,350
Pay & Benefits	0	0	2,818
Domestic Rent & Facilities	0	0	1,370
Other Adjustments	0	0	86
Foreign Expenses ~	0	0	-14
Total Base Adjustments	0	0	5,610
2014 Current Services	1,420	1,233	288,713
Program Changes			
Increases:			
Attorney Productivity Initiative	0	0	1,600
Financial and Mortgage Fraud	51	26	7,000
Subtotal, Program Increases	51	26	8,600
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	51	26	8,600
2014 Request	1,471	1,259	297,313

* The Continuing Resolution includes the 0.612% funding above current rate, provided by P.L. 112-175, sec. 101 (c).

** The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

Civil Division
(Dollars in Thousands)

Comparison by activity and program	2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Legal Representation	1,420	1,326	283,103	1,420	1,233	288,713
Total	1,420	1,326	283,103	1,420	1,233	288,713
Reimbursable FTE	0	112	0	0	124	0
Grand Total	1,420	1,438	283,103	1,420	1,357	288,713

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Legal Representation	51	26	8,600	1,471	1,259	297,313
Total	51	26	8,600	1,471	1,259	297,313
Reimbursable FTE	0	0	0	0	124	0
Grand Total	51	26	8,600	1,471	1,383	297,313



GENERAL LEGAL ACTIVITIES

Environment & Natural Resources Division (ENRD)

FY 2014 Budget Request At A Glance

FY 2012 Enacted:	\$108.0 million (537 positions; 370 attorneys)
Current Services Adjustments:	+\$4.6 million
Program Changes:	+\$0
FY 2014 Budget Request:	\$112.6 million (537 positions; 370 attorneys)
Change From FY 2012 Enacted:	+\$4.6 million (+4.3%)

Mission:

The Environment and Natural Resources Division's (ENRD) mission is to enforce civil and criminal environmental laws and programs protecting the public and environment of the United States and to defend suits challenging environmental programs and activities. ENRD oversees all federal environmental and natural resources litigation arising under more than 150 federal statutes. These statutes include the Clean Air Act; Clean Water Act; Comprehensive Environmental Response, Compensation and Liability Act (Superfund law); Endangered Species Act; National Environmental Policy Act; and many others. The Division's work entails bringing civil and criminal enforcement actions to stop polluters and recover clean-up costs, defending federal agencies in their administration of federal programs including management of federal lands and other natural resources, defending federal regulatory agencies that issue environmental regulations, resolving disputes related to Indian tribes and their lands, and acquiring real property by eminent domain for congressionally authorized purposes.

Resources:

The FY 2014 budget request for ENRD totals \$112.6 million, which is a 4.3% increase over the FY 2012 Enacted.

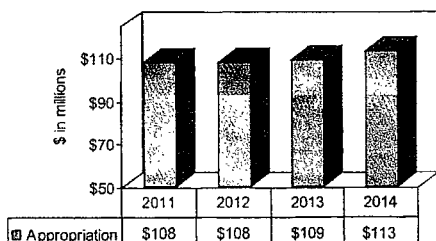
Organization:

ENRD is headed by an Assistant Attorney General (AAG), who is appointed by the President and confirmed by the Senate. The AAG is assisted by five Deputy Assistant Attorneys General. The AAG oversees a Division that is organized into nine practice areas dedicated to the enforcement of the nation's civil and criminal environmental laws and programs as well as the defense of the United States in matters concerning stewardship of the nation's natural resources and public lands. With several small field locations across the United States, the Division is the nation's environmental lawyer, and the largest environmental law firm in the country. ENRD has field sites and/or field attorneys located in Denver, San Francisco, Sacramento, Seattle, Boston, Anchorage, Boise, Missoula, Albuquerque, Jacksonville, Portland and Concord, NH.

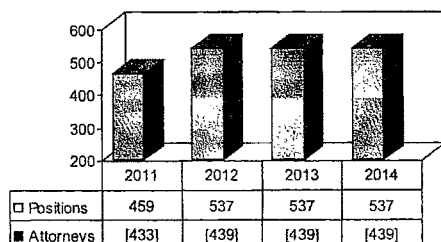
Personnel:

The ENRD's direct positions for FY 2014 total 537 positions and is the same as FY 2012 Enacted.

Funding (FY 2011 - 2014)



Personnel (FY 2011 - 2014)



* Includes Reimbursable Attorneys.

FY 2014 Strategy:

ENRD handles both civil and criminal litigation concerning the defense and enforcement of environmental laws and regulations. The Division serves as the nation's environmental litigator and represents many federal agencies in litigation (e.g., the Environmental Protection Agency, Department of the Interior, Department of Defense, Department of Agriculture, and Department of Homeland Security.)

ENRD is working closely with the Department's leadership, the Civil Division, other DOJ components (e.g., USAO, FBI), and a host of federal agencies to pursue civil enforcement actions, under the Clean Water Act and the Oil Pollution Act, and other applicable statutes, against potentially responsible parties involved in the April 2010 Deepwater Horizon oil rig explosion and oil spill. ENRD's civil lawsuit, filed in December 2010 against nine parties responsible for the explosion and sinking of the Deepwater Horizon and the subsequent oil spill (the largest oil spill in the Nation's history), is part of a multi-district litigation action involving hundreds of plaintiffs. A massive civil trial began in February 2013. The discovery requirements involved in the Deepwater litigation are unprecedented. The outcome of the Department's civil Deepwater litigation is likely to be historic in terms of the scale and scope of monetary penalties and redress imposed.

As the nation's chief environmental litigator, ENRD strives to obtain full compliance with environmental and conservation statutes. To this end, ENRD seeks to redress past violations that have harmed the environment, establish credible deterrence against future violations of these laws, recoup federal funds spent to abate environmental contamination, and obtain funds to restore or replace natural resources damaged through oil spills or the release of other hazardous substances. ENRD ensures illegal emissions are eliminated, hazardous wastes are cleaned up, and drinking water is safe. ENRD's actions, in conjunction with the work of its client agencies, enhance the quality of the environment in the United States and the health and safety of its citizens.

FY 2014 Program Changes:

There are no program changes for ENRD.

Environment & Natural Resources Division
(Dollars in Thousands)

Environment & Natural Resources Division			
	Pos	FTE**	Amount
2012 Enacted	537	531	108,009
2013 Continuing Resolution*	537	520	108,670
2014 Request	537	520	112,632
Change 2014 from 2012 Enacted	0	-11	4,623
Technical Adjustments			
Adjustment - 2013 CR 0.612%	0	0	-661
Total Technical Adjustments	0	0	-661
Base Adjustments			
ATB Transfers	0	0	132
Pay & Benefits	0	0	935
Domestic Rent & Facilities	0	0	3,556
Total Base Adjustments	0	0	4,623
2014 Current Services	537	520	112,632
Program Changes			
Increases:			
Subtotal, Program Increases	0	0	0
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	0	0	0
2014 Request	537	520	112,632

* The 2013 Continuing Resolution includes the 0.612% funding above current rate, provided by P.L. 112-175, sec. 101 (c).

** The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

Environment & Natural Resources Division
(Dollars in Thousands)

Comparison by activity and program	2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
ENRD - Civil Litigation	483	478	97,208	483	473	101,369
ENRD - Criminal Litigation	54	53	10,801	54	47	11,263
Total	537	531	108,009	537	520	112,632
Reimbursable FTE	0	104	0	0	115	0
Grand Total	537	635	108,009	537	635	112,632

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
ENRD - Civil Litigation	0	0	0	483	473	101,369
ENRD - Criminal Litigation	0	0	0	54	47	11,263
Total	0	0	0	537	520	112,632
Reimbursable FTE	0	0	0	0	115	0
Grand Total	0	0	0	537	635	112,632



GENERAL LEGAL ACTIVITIES Office of Legal Counsel (OLC)

FY 2014 Budget Request At A Glance

FY 2012 Enacted:	\$7.6 million (37 positions; 25 attorneys)
Current Services Adjustments:	-\$203,000
Program Changes:	-\$232,000
FY 2014 Budget Request:	\$7.2 million (29 positions; 27 attorneys)
Change From FY 2012 Enacted:	-\$435,000 (-5.7%) (-8 positions; +2 attorneys)

Mission:

The mission of OLC is to assist the Attorney General in his functions as legal advisor to the President and all of the Executive Branch agencies. The Office drafts legal opinions and provides written opinions and oral advice in response to requests from the Counsel to President, the various agencies of the Executive Branch, and offices within the Department. Such requests may involve legal issues about which two or more agencies are in disagreement. OLC is also responsible for providing legal advice to the Executive Branch on all constitutional questions and reviewing pending legislation for constitutionality. OLC reviews all Executive Orders and Attorney General Orders for form and legality.

Resources:

The FY 2014 budget request for OLC totals \$7.2 million, which is a 5.7% decrease from the FY 2012 Enacted. This is reflective of the transfer of funds and positions as part of executive office functions merger with OSG executed in FY 2012.

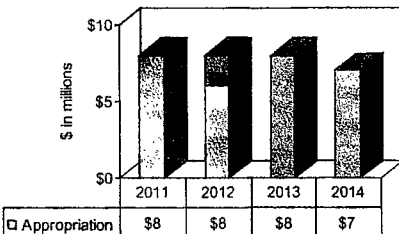
Organization:

OLC is headed by an Assistant Attorney General (AAG) who is appointed by the President and confirmed by the Senate. Additionally, the AAG is supported by a Principal Deputy Assistant Attorney General and an attorney staff of 27 located in Washington, DC. In FY 2012, several executive office functions were merged with the Office of the Solicitor General (OSG).

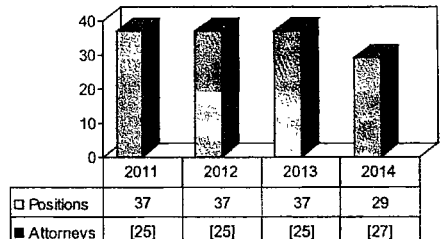
Personnel:

The OLC's direct positions for FY 2014 total 29 positions. OLC's FY 2014 request includes a decrease of -8 positions from the FY 2012 Enacted of 37 direct positions. In FY 2012, 6 positions were transferred to OSG as part of the executive office functions merger.

Funding (FY 2011 - 2014)



Personnel (FY 2011 - 2014)



FY 2014 Strategy:

OLC's mission remains highly critical and urgent as the Department continues to confront national security and intelligence challenges and advises the myriad of agencies involved in responding to the economic crisis.

OLC is involved in reviewing legislation on a wide variety of important Administration initiatives, and in reviewing the large number of Executive Orders and Presidential memoranda that are used to carry out Executive Branch policies. OLC has already published 43 of its full opinions issued in this Administration. These opinions cover constitutional and statutory questions from a wide range of fields, including national security, criminal law, civil rights, fiscal law, and appointment and removal authorities. OLC thus gives critical advice on how the Executive Branch organizes itself and carries out its missions.

OLC's challenges are of an internal and external nature. OLC does not initiate its workload nor does it have control over the volume of work. The work results from requests for opinions and legal advice from the Counsel to the President, general counsels of OMB and other Executive Office of the President's components, general counsels of Executive Branch departments and agencies, the National Security Council Legal Advisor, and the Attorney General and other Department of Justice officials. Because OLC is a relatively small component, internal challenges come into play because OLC has little flexibility in responding to unexpected surges in workload, such as those created by national security matters, the financial crisis, or new legislative initiatives.

FY 2014 Program Changes:

Program Offset OLC/OSG Executive Office Merger:
-\$232,000 and 0 positions

OLC and the OSG are similarly sized components of the General Legal Activities (GLA) appropriation. Several executive office functions were consolidated by merging the executive offices of OLC and OSG into a single, unified executive office. This consolidation streamlines the executive office functions of OSG and OLC and combines many of the overlapping functions. The FY 2013 President's Budget included this request; the FY 2014 President's Budget includes the same request in the same amount. OLC's FY 2014 current services for this initiative are 4 positions and \$419,000.

Office of Legal Counsel
(Dollars in Thousands)

	Office of Legal Counsel		
	Pos	FTE**	Amount
2012 Enacted	37	28	7,605
2013 Continuing Resolution*	37	28	7,652
2014 Request	29	20	7,226
Change 2014 from 2012 Enacted	-8	-8	-435
Technical Adjustments			
Adjustment - 2013 CR 0.612%	0	0	-47
Total Technical Adjustments	0	0	-47
Base Adjustments			
ATB Transfers	-6	-6	-571
Pay & Benefits	-2	-2	255
Domestic Rent & Facilities	0	0	113
Total Base Adjustments	-8	-8	-203
2014 Current Services	29	20	7,402
Program Changes			
Increases:			
Subtotal, Program Increases	0	0	0
Decreases:			
Program Offset - OLC/OSG Executive Office Merger	0	0	-232
Subtotal, Program Decreases	0	0	-232
Total Program Changes	0	0	-232
2014 Request	29	20	7,170

* The 2013 Continuing Resolution includes the 0.612% funding above current rate, provided by P.L. 112-175, sec. 101 (c).

** The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

Office of Legal Counsel
(Dollars in Thousands)

Comparison by activity and program	2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Office of Legal Counsel	37	28	7,605	29	20	7,402
Total	37	28	7,605	29	20	7,402
Reimbursable FTE	0	0	0	0	0	0
Grand Total	37	28	7,605	29	20	7,402

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Office of Legal Counsel	0	0	-232	29	20	7,170
Total	0	0	-232	29	20	7,170
Reimbursable FTE	0	0	0	0	0	0
Grand Total	0	0	-232	29	20	7,170



GENERAL LEGAL ACTIVITIES Civil Rights Division (CRT)

FY 2014 Budget Request At A Glance

FY 2012 Enacted:	\$144.5 million (715 positions; 384 attorneys)
Current Services Adjustments:	+\$2.2 million
Program Changes:	+\$8.5 million
FY 2014 Budget Request:	\$155.2 million (799 positions; 427 attorneys)
Change From FY 2012 Enacted:	+\$10.7 million (+7.4%) (+84 positions; +43 attorneys)

Mission:

CRT has three significant goals: (1) to fulfill the promise of basic civil rights protections through effective and vigorous enforcement of the law; (2) to deter and remedy discriminatory and illegal conduct through the successful prosecution of these federal laws; and (3) to promote voluntary compliance and civil rights protection through a variety of educational, technical assistance, and outreach programs.

Resources:

The FY 2014 budget request for CRT totals \$155.2 million, which is a 7.4% increase over FY 2012 Enacted.

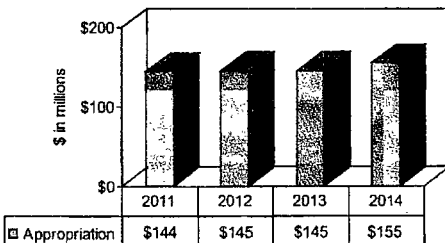
Organization:

The Civil Rights Division is headed by the Assistant Attorney General for Civil Rights (AAG), who is appointed by the President and confirmed by the Senate. The AAG is assisted by five Deputy Assistant Attorneys General. The Office of the Assistant Attorney General establishes policy and provides executive direction and control over the enforcement actions and the administrative management activities. All CRT employees are stationed in Washington, DC, but travel to other parts of the country for litigation activities and outreach events.

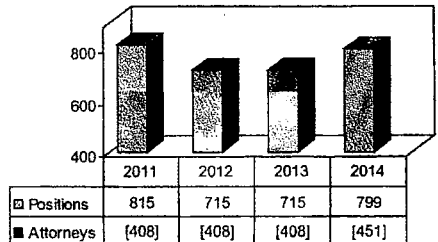
Personnel:

The CRT's direct positions for FY 2014 total 799 positions. CRT's FY 2014 request includes an increase of 84 positions over the FY 2012 Enacted level of 715 direct positions.

Funding (FY 2011 - 2014)



Personnel (FY 2011 - 2014)



* Includes Reimbursable Attorneys.

FY 2014 Strategy:

In FY 2014, CRT is committed to upholding the civil and constitutional rights of all Americans, including some of the most vulnerable members of society. The Division will continue to vigorously enforce civil rights laws to ensure equal treatment and equal justice under the law, reflecting the country's highest ideals and aspirations. CRT will be prepared to address and confront both long-standing civil rights issues and emerging civil rights challenges. CRT intends to achieve its objective by fairly and evenhandedly enforcing each of the laws within the scope of its responsibility.

The Division will focus its enforcement efforts through: ensuring that hate crimes are aggressively investigated and prosecuted under the Matthew Shepard Byrd, Jr. Hate Crimes Prevention Act; facilitating increased investigations and prosecutions of fair lending and financial fraud related to the financial crisis and economic recovery efforts through continued coordination and cooperation with federal, state and local authorities; and enforcing the Civil Rights for Institutionalized Persons Act to ensure the tens of thousands of institutionalized persons who were living in dire and often life-threatening conditions now receive adequate care and services.

The Division will continue to combat human trafficking through a comprehensive enforcement approach focused on all forms of involuntary servitude; protect the public's trust in law enforcement by vigorously investigating and prosecuting police misconduct; monitor elections and review redistricting plans to prevent prohibited election practices; and further protect voter rights through enforcement of the Help America Vote Act and the Overseas Citizens Absentee Voting Act.

CRT will advance its innovative approach to administering the Americans with Disabilities Act (ADA) to include continuance of the successful Project Civic Access initiative which helps to bring entire cities, counties and towns into compliance with the ADA and ensure new facilities are constructed in compliance with ADA standards for accessible design; and assist states in fulfilling their obligations under the Supreme Court's *Olmstead* decision, which requires that people with disabilities receive state services and treatment in the most integrated setting appropriate to their needs. CRT will work to increase efforts to eradicate employment discrimination thru pattern or practice discrimination cases, many of which have the potential to bring about systemic reforms that both remedy and prevent discrimination.

In addition to all of these efforts, the Division recognizes that outreach is critical to fulfilling its goals of deterrence and voluntary compliance. The Division's work – to uphold the civil and constitutional rights of individuals who have experienced unlawful discrimination in core aspects of their lives – requires engagement. As those charged with enforcing the nation's civil rights laws, the Division must consider outreach as one of the critical tools to educate people and communities about their rights; to deter discriminatory conduct; to inform our enforcement efforts; and to shape the remedies pursued. Through this comprehensive approach, the work of the Division will ultimately result in relief to more people and expand the reach of fundamental civil rights protections to all Americans.

FY 2014 Program Changes:

Civil Rights Enforcement: \$5.1 million and 50 positions (25 attorneys)

The Department is requesting additional resources of 50 positions (25 attorneys) and \$5.1 million to strengthen civil rights enforcement efforts that the Attorney General has identified as part of his Vulnerable People Priority Goal and for other programs that require renewed emphasis. The requested increase would benefit all programmatic areas and specifically enable CRT to increase its efforts against civil rights violations associated with human trafficking, hate crimes, voting rights enforcement, and enforcement of CRIPA. In addition, CRT would be able to expand opportunities for people with disabilities, and broaden overall protections for equal education, equal housing, and equal employment. These are areas that the Attorney General has determined warrant specific attention and has identified as part of his Vulnerable People Priority Goal. The FY 2013 President's Budget included this request; the FY 2014 President's Budget includes the same request in the same amount. FY 2014 current services for this initiative are 714 positions (383 attorneys) and \$146.7 million.

Financial and Mortgage Fraud: \$1.5 million and 15 positions (10 attorneys)

CRT will expand civil enforcement efforts, including investigations of predatory lending; pricing discrimination matters involving allegations of potentially fraudulent behavior; and redlining discrimination involving allegations that reputable lenders failed to provide loan opportunities on an equal basis in majority-minority neighborhoods leaving those markets open to fraudulent or predatory lenders. The FY 2013 President's Budget included this request; the FY 2014 President's Budget includes the same request in the same amount. FY 2014 current services for this initiative are 12 positions (9 attorneys) and \$1.4 million.

Police Misconduct Enforcement: \$1.9 million and 20 positions (9 attorneys)

The Department is requesting additional resources of 20 positions (9 attorneys) and \$1.9 million to expand CRT's efforts in combating police misconduct. Criminal prosecutions will focus on the conduct of individuals and they address the most egregious incidents of police misconduct. Civil pattern or practice investigations will focus on systemic problems within police departments and unlawful conduct. Additionally, CRT will initiate Title VII litigation against police departments where there is reason to believe that a "pattern or practice" of discrimination exists. CRT will use its enhanced resources to take a multi-faceted approach in combating police misconduct. CRT will use its law enforcement arsenal to ensure police officers, and police departments as a whole, are carrying out their missions lawfully. FY 2014 current services for this initiative are 71 positions (52 attorneys) and \$12.2 million.

Civil Rights Division
(Dollars in Thousands)

	Civil Rights Division		
	Pos	FTE**	Amount
2012 Enacted	715	648	144,500
2013 Continuing Resolution*	715	630	145,384
2014 Request	799	672	155,233
Change 2014 from 2012 Enacted	84	24	10,733
Technical Adjustments			
Adjustment - 2013 CR 0.612%	0	0	-884
Total Technical Adjustments	0	0	-884
Base Adjustments			
ATB Transfers	-1	-1	-65
Pay & Benefits	0	0	1,028
Domestic Rent & Facilities	0	0	1,270
Total Base Adjustments	-1	-1	2,233
2014 Current Services	714	629	146,733
Program Changes			
Increases:			
Civil Rights Enforcement	50	25	5,072
Financial and Mortgage Fraud	15	8	1,500
Police Misconduct Enforcement	20	10	1,928
Subtotal, Program Increases	85	43	8,500
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	85	43	8,500
2014 Request	799	672	155,233

* The 2013 Continuing Resolution includes the 0.612% funding above current rate, provided by P.L. 112-175, sec. 101 (c).

** The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

Civil Rights Division
(Dollars in Thousands)

Comparison by activity and program	2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Civil Rights Enforcements	715	648	144,500	714	629	146,733
Total	715	648	144,500	714	629	146,733
Reimbursable FTE	0	29	0	0	29	0
Grand Total	715	677	144,500	714	658	146,733

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Civil Rights Enforcements	85	43	8,500	799	672	155,233
Total	85	43	8,500	799	672	155,233
Reimbursable FTE	0	0	0	0	29	0
Grand Total	85	43	8,500	799	701	155,233



GENERAL LEGAL ACTIVITIES INTERPOL Washington

FY 2014 Budget Request At A Glance

FY 2012 Enacted:	\$29.8 million (77 positions; 1 attorney)
Current Services Adjustments:	+\$90,000
Program Changes:	+\$0
FY 2014 Budget Request:	\$29.8 million (77 positions; 1 attorney)
Change From FY 2012 Enacted:	+\$90,000 (+0.3%)

Mission:

The mission of INTERPOL Washington is to provide the United States' federal, state, local, and tribal law enforcement authorities a central point of communication to the international law enforcement community, and to serve as the official U.S. representative to the International Criminal Police Organization (INTERPOL).

Organization:

INTERPOL Washington is a component of the Department of Justice, and is co-managed by DOJ and the Department of Homeland Security pursuant to a memorandum of understanding between the Departments. Agents, including the INTERPOL Washington Director and Deputy Director, are detailed to INTERPOL Washington from federal and state law enforcement agencies for specified terms. Agents at INTERPOL Washington are assigned to work in divisions dedicated to specific investigative areas.

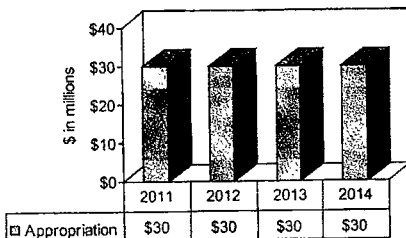
Resources:

The FY 2014 budget request for INTERPOL totals \$29.8 million, which is a 0.3% increase over the FY 2012 Enacted.

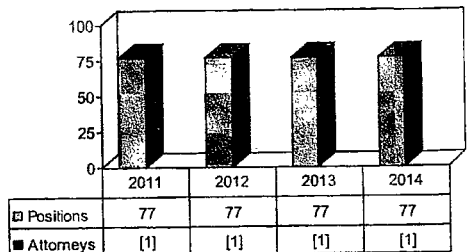
Personnel:

IPOL's direct positions for FY 2014 total 77 positions and is the same as FY 2012 Enacted.

Funding (FY 2011 - 2014)



Personnel (FY 2011 - 2014)



FY 2014 Strategy:

INTERPOL Washington facilitates international law enforcement cooperation by serving as a police-to-police communications and intelligence network for both American and foreign police seeking assistance in criminal investigations. INTERPOL Washington brings together international and U.S. police at federal, state, local, municipal, and tribal levels, providing a neutral territory where jurisdictions and mandates are interwoven to permit cooperation and assistance in combating international crime. INTERPOL Washington initiates and responds to criminal investigative requests; transmits national requests for international cooperation; facilitates requested police action or operations; and collects, analyzes, and shares relevant criminal intelligence.

The increase in transnational crime and the risks associated with international terrorism have resulted in a greater need for international law enforcement cooperation and access to international law enforcement information. INTERPOL Washington's responsibility to respond to increasing foreign and domestic requests places additional operational demands on the resources of this organization.

The INTERPOL General Assembly (IGA), in its 2009 session, adopted the current dues structure to more closely mirror the United Nations scale than its previous dues structure. The new structure provides for an increasing contribution responsibility for the U.S. through 2014, increasing to 17.4 percent over 5 years. Over half of INTERPOL Washington's budget is used for dues payments to IGA.

INTERPOL will continue to have significant responsibility for the coordination and facilitation of international communications between foreign and U.S. domestic law enforcement authorities that investigate violations involving the production and distribution of child sex abuse images; child sex tourism; sex offender tracking and reporting under the Adam Walsh Act, and child abduction. INTERPOL Washington is responding to an unprecedented and continually increasing number of international referrals regarding criminal child exploitation investigations. INTERPOL Washington is also responding to an increasing number of requests to locate, identify and support the apprehension of child predators and those offenders involved in violations of moral turpitude. Through the I-24/7 Network, INTERPOL Washington has a unique and effective way to track sex offenders and child predators worldwide. There are presently over 33,000 missing children in the United States alone. INTERPOL Washington is recognized as a successful and critical component in the U.S. strategy for locating missing children abroad.

FY 2014 Program Changes:

There are no program changes for INTERPOL.

INTERPOL Washington
(Dollars in Thousands)

	INTERPOL Washington		
	Pos	FTE**	Amount
2012 Enacted	77	70	29,754
2013 Continuing Resolution	77	69	29,936
2014 Request	77	69	29,844
Change 2014 from 2012 Enacted	0	-1	90
Technical Adjustments			
Adjustment - 2013 CR 0.612%	0	0	-182
Total Technical Adjustments	0	0	-182
Base Adjustments			
ATB Transfers	0	0	12
Pay & Benefits	0	0	87
Domestic Rent & Facilities	0	0	-9
Total Base Adjustments	0	0	90
2014 Current Services	77	69	29,844
Program Changes			
Increases:			
Subtotal, Program Increases	0	0	0
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	0	0	0
2014 Request	77	69	29,844

* The 2013 Continuing Resolution includes the 0.612% funding above current rate, provided by P.L. 112-175, sec. 101 (c).

** The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

INTERPOL Washington
(Dollars in Thousands)

Comparison by activity and program	2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
INTERPOL - Washington	77	70	29,754	77	69	29,844
Total	77	70	29,754	77	69	29,844
Reimbursable FTE	0	0	0	0	0	0
Grand Total	77	70	29,754	77	69	29,844

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
INTERPOL - Washington	0	0	0	77	69	29,844
Total	0	0	0	77	69	29,844
Reimbursable FTE	0	0	0	0	0	0
Grand Total	0	0	0	77	69	29,844

GENERAL LEGAL ACTIVITIES
FY 2014 SUMMARY OF CHANGES BY ORGANIZATION
(Dollars in Thousands)

	FY 2014 President's Budget				
	Pos.	Atty	Agents	FTE	Amount
2012 Enacted	4,227	2,641	0	4,382	863,367
2013 Continuing Resolution ^u	4,227	2,641	0	3,718	868,652
2013 Reimbursable FTE - Base				550	
2013 Continuing Resolution ^u with Reimb FTE	4,227	2,641	0	4,268	868,652
Technical Adjustments					
Adjustment - 2013 CR 0.612%	0	0	0	0	-5,285
Subtotal, Technical Adjustments	0	0	0	0	-5,285
Base Adjustments					
ATB Transfers - Non-GRANTS					
Transfers - Administrative Positions - From OLC	6	0	0	6	570
Transfers - Administrative Positions - To OSG	-6	0	0	-6	-570
Transfers - JCON and JCON S/TS - To Components	0	0	0	0	3,456
Transfers - Office of Information Policy (OIP) - From Components	0	0	0	0	-343
Transfers - Office of Legal Policy (OLP) - From Components	-3	-2	0	0	-795
Transfers - Office of Tribal Justice (OTJ) - From Components	-2	-2	0	-2	-597
Transfers - Professional Responsibility Advisory Office (PRAO) - From Components	0	0	0	0	-948
Subtotal, ATB Transfers - Non-GRANTS	-5	-4	0	-2	773
Pay & Benefits					
2014 Pay Raise	0	0	0	0	4,202
Annualization of 2013 Pay Raise	0	0	0	0	733
Base Pay Adjustment	0	0	0	0	400
Employees Compensation Fund	0	0	0	0	-119
Health Insurance	0	0	0	0	1,477
Position/FTE Adjustment	-2	2	0	-2	0
Retirement	0	0	0	0	813
Subtotal, Pay & Benefits	-2	2	0	-2	7,506
Domestic Rent & Facilities					
GSA Rent	0	0	0	0	-264
Guard Service	0	0	0	0	-312
Moves	0	0	0	0	8,283
Subtotal, Domestic Rent & Facilities	0	0	0	0	5,687
Other Adjustments					
Working Capital Fund	0	0	0	0	86
Subtotal, Other Adjustments	0	0	0	0	86
Foreign Expenses					
Post Allowance - Cost of Living Allowance (COLA)	0	0	0	0	104
Capital Security Cost Sharing	0	0	0	0	-4,620
Education Allowance	0	0	0	0	-46
ICASS	0	0	0	0	2,031
Subtotal, Foreign Expenses	0	0	0	0	-2,531
Subtotal, Base Adjustments	-7	-2	0	-4	11,521
Subtotal, Technical and Base Adjustments	-7	-2	0	-4	6,236
2014 Current Services w/o Reimbursable FTE	4,220	2,639	0	3,714	874,888
Program Changes					
General Legal Activities					
Office of the Solicitor General	0	0	0	0	-231
Program Offset - Administrative Functions Consolidation	0	0	0	0	-231
Total, Office of the Solicitor General					

GENERAL LEGAL ACTIVITIES
FY 2014 SUMMARY OF CHANGES BY ORGANIZATION
(Dollars in Thousands)

	FY 2014 President's Budget				
	Pos.	Atty	Agents	FTE	Amount
Criminal Division					
Cyber Security	25	9	0	14	2,580
Financial and Mortgage Fraud	28	16	0	14	5,000
Intellectual Property	11	7	0	6	3,500
Total, Criminal Division	64	32	0	34	11,080
Civil Division					
Attorney Productivity Initiative	0	0	0	0	1,600
Financial and Mortgage Fraud	51	32	0	26	7,000
Total, Civil Division	51	32	0	26	8,600
Office of Legal Counsel					
Program Offset - OLC/OSG Executive Office Merger	0	0	0	0	-232
Total, Office of Legal Counsel	0	0	0	0	-232
Civil Rights Division					
Civil Rights Enforcement	50	25	0	25	5,072
Financial and Mortgage Fraud	15	10	0	8	1,500
Police Misconduct Enforcement	20	9	0	10	1,928
Total, Civil Rights Division	85	44	0	43	8,500
Total, General Legal Activities	200	108	0	103	27,717
Total Program Changes, General Legal Activities	200	108	0	103	27,717
2014 Total General Legal Activities	4,420	2,747	0	3,817	902,605
2014 Reimbursable FTE	0	0	0	550	0
2014 General Legal Activities with Reimbursable FTE	4,420	2,747	0	4,367	902,605

¹¹ The 2013 Continuing Resolution includes the 0.812% funding above current rate, provided by P.L. 112-175, sec. 101 (c) and excludes the reduction for sequestration of \$1.68 billion.



Antitrust Division (ATR)

FY 2014 Budget Request At A Glance

FY 2012 Enacted:	\$159.6 million (880 positions; 390 attorneys)
Current Services Adjustments:	+\$823,000
Program Changes:	+\$0
FY 2014 Budget Request:	\$160.4 million (830 positions; 380 attorneys)
Change From FY 2012 Enacted:	+\$823,000 (+0.5%) (-50 positions; -10 attorneys)

Mission:

The mission of the Antitrust Division is to promote economic competition through enforcing and providing guidance on antitrust laws and principles.

Resources:

The FY 2014 budget request for ATR totals \$160.4 million, which is a 0.5% increase over FY 2012 Enacted. Typically, approximately two-thirds of ATR's funding is derived from Hart-Scott-Rodino (HSR) premerger filing fees paid by companies planning to merge. In conjunction with estimates calculated by the Congressional Budget Office and the Federal Trade Commission, HSR fee collections of \$204.6 million for FY 2014 are expected. The filing fee revenue is divided evenly between the Antitrust Division and the Federal Trade Commission. In 2014, ATR will continue to collect filing fees for pre-merger notifications and will retain these fees for expenditure in support of its programs. The FY 2014 budget proposes to increase the HSR fees and index them for the percentage annual change in the gross national product. The fee proposal would also create a new merger fee category for mergers valued at over \$1 billion. Under the proposal, the fee increase would take effect in 2015.

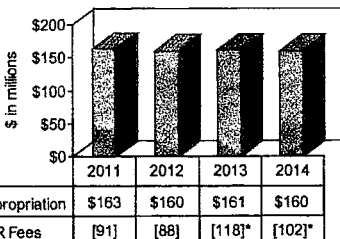
Organization:

The Antitrust Division is headed by an Assistant Attorney General (AAG), who is appointed by the President and confirmed by the Senate. The AAG is assisted by five Deputy Assistant Attorneys General, including career and non-career employees. ATR has three field offices that primarily handle criminal matters and serve as liaisons to the U.S. Attorneys, state attorneys general, and other law enforcement agencies.

Personnel:

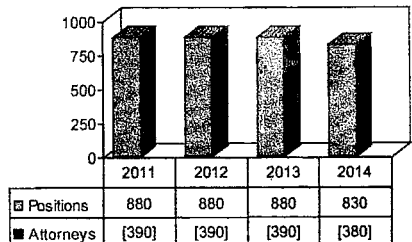
The ATR's direct positions for FY 2014 total 830 positions. ATR's FY 2014 request includes a decrease of 50 hollow positions from the FY 2012 Enacted level of 880 direct positions.

Funding (FY 2011 - 2014)



* FY 2013 and FY 2014 HSR fees are estimated.

Personnel (FY 2011 - 2014)



FY 2014 Strategy:

As the Federal Government works to restore a healthy economy, ATR will continue its efforts in essential areas in American and increasingly global markets to ensure that American consumers and businesses are left with a vibrant and appropriately competitive marketplace.

Together with pre-merger filing fees, ATR's on-going history of obtaining criminal fines consistently brings in significantly more funds to the Treasury than the Division expends each fiscal year. From FY 2009 through FY 2012, the Division obtained just over \$3.2 billion in criminal fines against antitrust violators, which are deposited into the Department's Crime Victims Fund. Since FY 2000, the Division has obtained more than \$6.4 billion in criminal fines and \$1.1 billion in pre-merger filing fees.

Areas in which ATR continues to focus its efforts include America's financial systems; financial fraud and related investigations in the municipal bond market and real estate foreclosure auctions; intellectual property; transportation systems, including domestic and international airline alliances, automobile manufacturing, and ocean shipping; and technology-related industries including hardware manufacturing and software applications. These areas and initiatives are in addition to business combinations and alliances that are being and will be proposed by American companies as they seek to remain solvent and profitable during challenging economic times.

FY 2014 Program Changes:

Program Offset - Position/FTE Adjustment: \$0 and -50 positions (~10 attorneys)

This offset removes unfunded positions that have become vacant due to budget constraints.

Antitrust Division
(Dollars in Thousands)

	Antitrust Division		
	Pos	FTE**	Amount
2012 Enacted	[880]	705	159,587
2013 Continuing Resolution*	[880]	676	160,564
2014 Request	[830]	676	160,410
Change 2014 from 2012 Enacted	-50	-29	823
Technical Adjustments			
Adjustment - 2013 CR 0.612%	0	0	-977
Total Technical Adjustments	[0]	0	-977
Base Adjustments			
Transfers - JCON and JCON S/TS - To Components	0	0	385
Transfers - Office of Information Policy (OIP) - From Components	0	0	-26
Transfers - Professional Responsibility Advisory Office (PRAO) - From Components	0	0	-123
Pay & Benefits	0	0	816
Domestic Rent & Facilities	0	0	-229
Total Base Adjustments	[0]	0	823
2014 Current Services	[880]	676	160,410
Program Changes			
Increases:			
Subtotal, Program Increases	[0]	0	0
Decreases:			
Program Offset - Position/FTE Adjustment	[-50]	0	0
Subtotal, Program Decreases	[-50]	0	0
Total Program Changes	[-50]	0	0
2014 Request	[830]	676	160,410

* The 2013 Continuing Resolution includes the 0.612% funding above current rate, provided by P.L. 112-175, sec. 101 (c).

** The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

Antitrust Division
(Dollars in Thousands)

Comparison by activity and program	2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Antitrust Division	880	705	159,587	880	676	160,410
Total	880	705	159,587	880	676	160,410
Reimbursable FTE	0	0	0	0	0	0
Grand Total	880	705	159,587	880	676	160,410

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Antitrust Division	-50	0	0	830	676	160,410
Total	-50	0	0	830	676	160,410
Reimbursable FTE	0	0	0	0	0	0
Grand Total	-50	0	0	830	676	160,410



U.S. Attorneys (USA)

FY 2014 Budget Request At A Glance

FY 2012 Enacted:	\$1,960 million (10,629 positions; 5,451 attorneys; 20 agents)
Current Services Adjustments:	+\$38.7 million
Program Changes:	+\$9.0 million
FY 2014 Budget Request:	\$2,008 million (10,814 positions; 5,566 attorneys; 20 agents)
Change From 2012 Enacted:	+\$47.7 million (+2.4%) (+185 positions; +115 attorneys)

Mission:

The United States Attorneys serve as the Nation's principal litigators under the direction of the Attorney General. Their offices bring criminal prosecutions, pursue civil penalties, defend federal programs and guard the financial interests of the United States in court. They also provide advice and counsel to the Attorney General and senior policy leadership through the Attorney General's Advisory Committee (AGAC) and its various subcommittees. The Executive Office for U.S. Attorneys provides the USAs with general executive assistance and direction, policy development, administrative management direction and oversight, operational support, training and coordination with other components of the Department and other federal agencies.

Organization:

There are 93 U.S. Attorneys located throughout the 50 states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, and the Northern Mariana Islands. U.S. Attorneys are appointed by, and serve at the discretion of, the President, with the advice and consent of the Senate. One U.S. Attorney is assigned to each of the judicial districts, with the exception of Guam and the Northern Mariana Islands where a single U.S. Attorney serves both districts. Each U.S. Attorney is the chief federal law enforcement officer of the U.S. within his or her particular jurisdiction. The Executive Office for U.S. Attorneys was created on April 6, 1953, by Attorney General Order 6-53, to provide for close liaison between the Department of Justice in Washington, DC, and the 93 U.S. Attorneys.

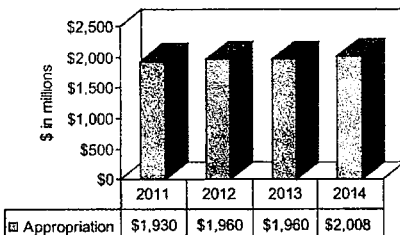
Resources:

The FY 2014 budget request for USA totals \$2,008 million, which is a 2.4% increase over the 2012 Enacted.

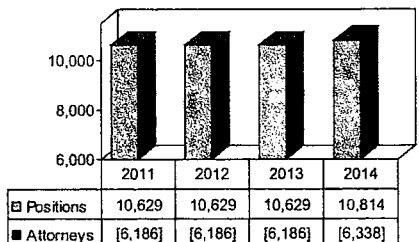
Personnel:

The USA's direct positions for FY 2014 total 10,814 positions. USA's FY 2014 request includes an increase of 185 positions over the FY 2012 Enacted of 10,629 direct positions.

Funding (FY 2011 - 2014)



Personnel (FY 2011 - 2014)



*Includes Reimbursable Positions

FY 2014 Strategy:

In FY 2014, the United States Attorneys will continue to investigate and prosecute the diverse workload of criminal cases brought by the Federal Government and will continue to initiate and defend civil actions to assert and protect the interests of the United States.

The diverse criminal and civil workload includes cases in international and domestic terrorism; child exploitation and obscenity; firearms and violent crime; gangs and organized crime; complex and multi-jurisdictional fraud - including health care, identity theft, public corruption, bank and investment frauds; environmental crimes - including oil spill related frauds; drug enforcement; and human trafficking. Additionally in FY 2014, the United States Attorneys will continue to focus criminal prosecutorial resources on financial crimes, including mortgage and corporate fraud, southwest border enforcement, and Indian Country prosecution efforts. Further, the United States Attorneys will continue collection efforts of both criminal and civil debt. In FY 2012, as a result of these debt collection efforts, the United States Attorneys collected a total of \$13.1 billion.

Caseload for financial fraud is expected to remain heavy in FY 2014 due to the troubled mortgage industry, as well as investment schemes and securities fraud uncovered by a declining market. The Department is committed to investigating and prosecuting financial fraud and holding accountable those who contributed to the financial crisis. Toward this end, the Department is an active member of the Financial Fraud Enforcement Task Force's Residential Mortgage-Backed Securities Working Group, which is investigating misconduct in the creation, sale and packaging of residential mortgage-backed securities, the failure of which contributed significantly to the housing market collapse. The vigorous prosecution of serious financial fraud will provide deterrence to additional criminal activity and thereby assist the financial recovery program. Continued southwest border enforcement initiatives will require the efforts of United States Attorneys' Offices throughout the country to enforce immigration laws and combat and deter southwest border related crime. This is especially important with regard to investigations of cross border drug trafficking and gun violence. Indian Country prosecution efforts will continue to focus on curbing the rate of violent crime, and combating illegal drug distribution and manufacturing in Indian Country.

FY 2014 Program Changes:

Financial and Mortgage Fraud: \$26.5 million and 190 positions (120 attorneys)

The U.S. Attorneys will expand criminal investigations and prosecutions of mortgage fraud, predatory lending, financial fraud, and market manipulation matters. These prosecutorial resources will enable the U.S. Attorney community to quickly address the increasing number of mortgage and financial fraud cases referred by the FBI for prosecution. The U.S. Attorneys will also expand civil enforcement efforts to continue to obtain recoveries from individuals and companies that have defrauded the government by violating the terms of Federal contracts, grants, loans, and subsidies. The FY 2013 President's Budget included this request; the FY 2014 President's Budget includes the same request in the same amount. The FY 2014 current services for this initiative are 1,952 positions (1,276 attorneys) and \$310 million.

Program Offset - Overhead Reductions: -\$17.5 million and 0 positions

The United States Attorney community is continually evaluating its programs and operations with the goal of achieving efficiencies and reducing overall costs. In FY 2014, the United States Attorneys will focus on reducing overhead costs in areas which include, but are not limited to: space, telecommunications and information technology (IT) infrastructure, guard services and security investigations. The FY 2013 President's Budget included this request; the FY 2014 President's Budget includes the same request in the same amount. These overhead reductions will result in an offset of \$17.5 million.

U.S. Attorneys
(Dollars in Thousands)

	U.S. Attorneys		
	Pos	FTE**	Amount
2012 Enacted	10,629	9,702	1,960,000
2013 Continuing Resolution*	10,629	9,717	1,971,995
2014 Request	10,814	9,807	2,007,717
Change 2014 from 2012 Enacted	185	-933	47,717
Technical Adjustments			
Adjustment - 2013 CR 0.612%	0	0	-11,995
Total Technical Adjustments	0	0	-11,995
Base Adjustments			
ATB Transfers	-5	-5	2,249
Pay & Benefits	0	0	16,153
Domestic Rent & Facilities	0	0	20,315
Total Base Adjustments	-5	-5	38,717
2014 Current Services	10,624	9,712	1,998,717
Program Changes			
Increases:			
Financial and Mortgage Fraud	190	95	26,500
Subtotal, Program Increases	190	95	26,500
Decreases:			
Program Offset - Overhead Reductions	0	0	-17,500
Subtotal, Program Decreases	0	0	-17,500
Total Program Changes	190	95	9,000
2014 Request	10,814	9,807	2,007,717

* The 2013 Continuing Resolution includes the 0.612% funding above current rate, provided by P.L. 112-175, sec. 101 (c).

** The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

U.S. Attorneys
(Dollars in Thousands)

Comparison by activity and program	2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Criminal Litigation	8,422	7,719	1,527,000	8,417	7,726	1,552,416
Civil Litigation	2,154	1,930	402,059	2,154	1,933	412,593
Legal Education	53	53	30,941	53	53	33,708
Total	10,629	9,702	1,960,000	10,624	9,712	1,998,717
Reimbursable FTE	0	1,554	0	0	1,676	0
Grand Total	10,629	11,256	1,960,000	10,624	11,388	1,998,717

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Criminal Litigation	114	57	1,713	8,531	7,783	1,554,129
Civil Litigation	76	38	7,287	2,230	1,971	419,880
Legal Education	0	0	0	53	53	33,708
Total	190	95	9,000	10,814	9,807	2,007,717
Reimbursable FTE	0	0	0	0	1,676	0
Grand Total	0	95	9,000	10,814	11,483	2,007,717



U.S. Trustees (USTP)

FY 2014 Budget Request At A Glance

FY 2012 Enacted:	\$223.3 million (1,314 positions; 318 attorneys)
Current Services Adjustments:	+\$2.5 million
Program Changes:	+\$0
FY 2014 Budget Request:	\$225.7 million (1,314 positions; 318 attorneys)
Change From FY 2012 Enacted:	+\$2.5 million (+1.1%)

Mission:

USTP's mission is to promote the integrity and efficiency of the bankruptcy system for the benefit of all stakeholders – debtors, creditors, and the public.

Organization:

The USTP is managed by an Executive Office in Washington, DC, which is headed by a Director, a career appointee in the Senior Executive Service, who provides comprehensive policy and management direction to the U.S. Trustees and their staffs. The USTP operates in 88 judicial districts through a system of 21 regions, each region headed by a U.S. Trustee, and 95 district offices in 46 states. The USTP does not operate in the judicial districts of Alabama and North Carolina. U.S. Trustees are appointed by the Attorney General to five-year terms.

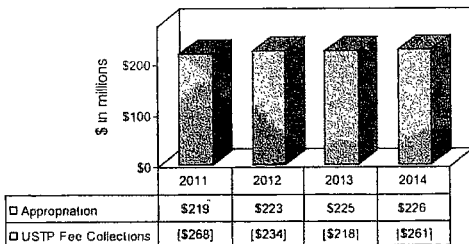
Resources:

The FY 2014 budget request for USTP totals \$225.7 million, which is a 1.1% increase over FY 2012 Enacted.

Personnel:

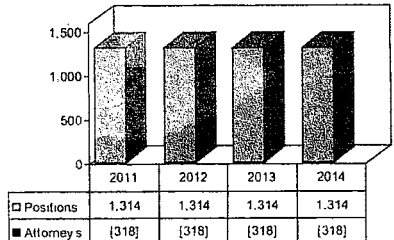
The USTP's direct positions for FY 2014 total 1,314 positions and is the same as FY 2012 Enacted.

Funding (FY 2011 - 2014)



* FY 2013 and FY 2014 Fee Collections are estimates

Personnel (FY 2011 - 2014)



FY 2014 Strategy:

One of the basic principles of our nation's bankruptcy system is that the honest but unfortunate debtor deserves a fresh start. Those who prey upon debtors for their own financial gain undermine that basic principle. Thus, protecting consumer debtors and being able to quickly mobilize to address increasingly complex abuse of the bankruptcy system is an important objective of the Program's enforcement efforts.

The USTP has two main strategies: (1) to address fraud and abuse of the system by debtors, financial institutions and other creditors, and third parties such as attorneys and non-attorney petition preparers; and (2) to ensure accountability by management of chapter 11 corporate debtors, such as by ensuring that entrenched management does not cut off the rights of other parties, by opposing insider bonuses that do not satisfy strict statutory standards, and ensuring that attorneys and other professional firms adhere to statutory requirements pertaining to disclosure and conflicts of interest.

The USTP is instrumental in helping to combat mortgage fraud and creditor abuse activities that could otherwise result in significant adverse consequences to the nation's financial systems. In FY 2014, the USTP projects that bankruptcy filings could reach almost 1.4 million filings, generating offsetting collections of \$261 million. The FY 2014 request supports the USTP's ongoing efforts to promote the integrity and efficiency of the bankruptcy system for the benefit of all stakeholders – debtors, creditors, and the public.

FY 2014 Program Changes:

There are no program changes for USTP.

U.S. Trustees
(Dollars in Thousands)

	U.S. Trustees		
	Pos	FTE**	Amount
2012 Enacted	[1,314]	1,216	223,258
2013 Continuing Resolution*	[1,314]	1,202	224,624
2014 Request	[1,314]	1,202	225,728
Change 2014 from 2012 Enacted	0	-14	2,470
Technical Adjustments			
Adjustment - 2013 CR 0.612%	0	0	-1,366
Total Technical Adjustments	[0]	0	-1,366
Base Adjustments			
ATB Transfers	0	0	454
Pay & Benefits	0	0	1,920
Domestic Rent & Facilities	0	0	96
Total Base Adjustments	[0]	0	2,470
2014 Current Services	[1,314]	1,202	225,728
Program Changes			
Program Increases	[0]	0	0
Program Decreases	[0]	0	0
Total Program Changes	[0]	0	0
2014 Request	[1,314]	1,202	225,728

* The 2013 Continuing Resolution includes the 0.612% funding above current rate, provided by P.L. 112-175, sec. 101 (c).

** The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

U.S. Trustees
(Dollars in Thousands)

Comparison by activity and program	2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Administration of Cases	1,314	1,216	223,258	1,314	1,202	225,728
Total	1,314	1,216	223,258	1,314	1,202	225,728
Reimbursable FTE	0	0	0	0	0	0
Grand Total	1,314	1,216	223,258	1,314	1,202	225,728

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Administration of Cases	0	0	0	1,314	1,202	225,728
Total	0	0	0	1,314	1,202	225,728
Reimbursable FTE	0	0	0	0	0	0
Grand Total	0	0	0	1,314	1,202	225,728



Foreign Claims Settlement Commission (FCSC)

FY 2014 Budget Request At A Glance

FY 2012 Enacted:	\$2.0 million (11 positions; 4 attorneys)
Current Services Adjustments:	+\$218,000
Program Changes:	+\$0
FY 2014 Budget Request:	\$2.2 million (11 positions; 4 attorneys)
Change From FY 2012 Enacted:	+\$218,000 (+10.9%)

Mission:

The principal mission of the FCSC is to adjudicate claims of U.S. nationals against foreign governments, exercising jurisdiction conferred by the International Claims Settlement Act of 1949, as amended, and other authorizing legislation.

Organization:

The FCSC consists of a Chairman and two part-time Commissioners who are all appointed by the President and confirmed by the Senate.

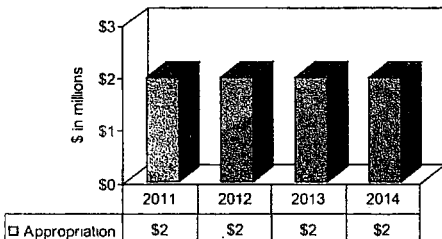
Resources:

The FY 2014 budget request for FCSC totals \$2.2 million, which is a 10.9% increase over FY 2012 Enacted.

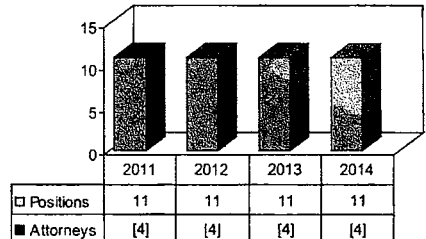
Personnel:

The FCSC's direct positions for FY 2014 total 11 positions and is the same as FY 2012 Enacted.

Funding (FY 2011 - 2014)



Personnel (FY 2011 - 2014)



FY 2014 Strategy:

In FY 2014, the Commission plans to conclude its administration of the Libya Claims Program that resulted from the President's Executive Order 13477 dated October 31, 2008, implementing the U.S-Libya Claims Settlement Agreement of August 14, 2008, as well as the Libyan Claims Resolution Act (LCRA), passed by Congress and signed into law on August 4, 2008. Pursuant to this Agreement and the LCRA, the government of Libya paid \$1.5 billion to the United States to provide compensation to U.S. nationals with terrorism-related claims against Libya.

On June 21, 2011, the US Department of State issued a press release announcing a settlement with the Government of Iraq in the amount of \$400 million to provide compensation for American nationals who were prisoners of war, hostages, or human shields during the first Gulf War, and for U.S. servicemen who were injured in the 1987 attack on the USS Stark. On November 14, 2012, pursuant to its authority under 22 U.S.C. 1623 (a)(1)(c), the Department of State referred a category of claims within the scope of the Claims Settlement Agreement to the Commission for adjudication and certification. Further, the Commission anticipates the receipt of an additional referral from the Department of State under the same Claims Settlement Agreement for adjudication by the Commission during FY 2014.

The Commission will maintain authority under the International Claims Settlement Act of 1949, as amended, and the 1995 United States-Albania claims settlement agreement to make awards in any additional claims against Albania that are filed. In addition, the Commission will continue to reopen and reconsider claims that it had previously denied, taking into account the modification of the Albanian claims settlement agreement effected in 2006.

The Commission will also continue to: research and respond to requests for information concerning properties expropriated by the Castro regime in Cuba; and engage in preliminary planning for a possible future program involving claims against Iraq and a Guam Claims Program. Depending on the movement of events internationally, other, similar programs can be anticipated. Additionally, the Commission will award compensation, under the War Claims Act of 1948, as amended, to any previously uncompensated American servicemen, or their families, held as prisoners of war during the Vietnam conflict.

FY 2014 Program Changes:

There are no program changes for FCSC.

Foreign Claims Settlement Commission
(Dollars in Thousands)

	Foreign Claims Settlement Commission		
	Pos	FTE**	Amount
2012 Enacted	11	9	2,000
2013 Continuing Resolution*	11	9	2,012
2014 Request	11	9	2,218
Change 2014 from 2012 Enacted	0	0	218
Technical Adjustments			
Adjustment - 2013 CR 0.612%	0	0	-12
Total Technical Adjustments	0	0	-12
Base Adjustments			
Pay & Benefits	0	0	30
Domestic Rent & Facilities	0	0	28
Other Adjustments	0	0	160
Total Base Adjustments	0	0	218
2014 Current Services	11	9	2,218
Program Changes			
Program Increases	0	0	0
Program Decreases	0	0	0
Total Program Changes	0	0	0
2014 Request	11	9	2,218

* The 2013 Continuing Resolution includes the 0.612% funding above current rate, provided by P.L. 112-175, sec. 101 (c).

** The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

Foreign Claims Settlement Commission
(Dollars in Thousands)

Comparison by activity and program	2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Foreign Claims	11	9	2,000	11	9	2,218
Total	11	9	2,000	11	9	2,218
Reimbursable FTE	0	0	0	0	0	0
Grand Total	11	9	2,000	11	9	2,218

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Foreign Claims	0	0	0	11	9	2,218
Total	0	0	0	11	9	2,218
Reimbursable FTE	0	0	0	0	0	0
Grand Total	0	0	0	11	9	2,218



U.S. Marshals Service (USMS)

FY 2014 Budget Request At A Glance

FY 2012 Enacted:	\$1,189 million (5,544 positions; 19 attorneys; 4,134 DUSMs)
Current Services Adjustments:	+\$1,616 million
Program Changes:	+\$44.9 million
FY 2014 Budget Request:	\$2,850 million (5,571 positions; 4,134 DUSMs)
Change From FY 2012 Enacted:	+\$1,661 million (+139.7%) (+27 positions; +2 attorneys)

Mission:

The mission of the USMS is to enforce federal laws and support virtually all elements of the federal justice system by providing for the security of federal court facilities and the safety of judges and other court personnel; apprehending fugitives; exercising custody of federal prisoners and providing for their security and transportation to detention facilities; executing federal court orders; managing and disposing of the assets seized and forfeited by federal law enforcement agencies; and assuring the safety of protected government witnesses and their families.

Resources:

The FY 2014 budget request for USMS totals \$2,850 million, which is a 139.7% increase over the FY 2012 Enacted Level. This increase is the result of the proposed realignment of federal detention under USMS, which will increase USMS' total budget authority by \$1,636 million. The request includes \$1,204 million for Salaries and Expenses (S&E), \$10.0 million for Construction and \$1,636 million for Federal Prisoner Detention (FPD). Rescissions of \$12.2 million for S&E and \$80 million for FPD from prior year unobligated balances are also proposed.

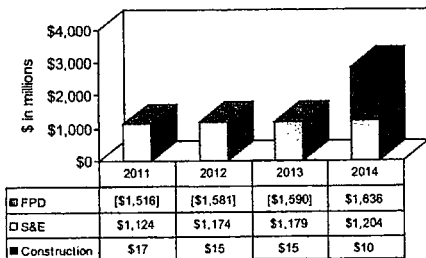
Organization:

The Director is appointed by the President and confirmed by the Senate. The USMS has over 400 offices, encompassing the 94 judicial districts and Headquarters. The USMS has 60 district-based task forces, 7 Regional Fugitive Task Forces and 3 foreign field offices to investigate and apprehend violent fugitives. Operational missions are coordinated and led by the following 6 divisions: Judicial Security, Investigative Operations, Witness Security, Prisoner Operations, Tactical Operations, and the Justice Prisoner and Alien Transportation System (JPATS). JPATS is responsible for moving USMS detainees and BOP prisoners between judicial districts and correctional institutions via coordinated air and ground systems. The USMS also houses over 62,000 detainees on a daily basis in federal, state, local and private jails throughout the nation.

Personnel:

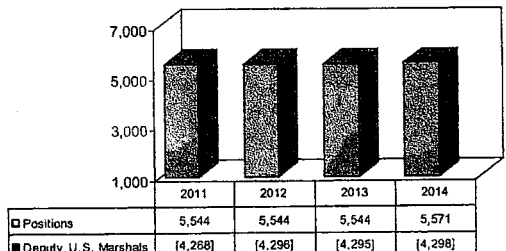
The USMS's direct positions for FY 2014 total 5,571 positions. USMS's FY 2014 request includes an increase of 27 positions over the FY 2012 level of 5,544 direct positions.

Funding (FY 2011 - 2014)



* The FY 2014 Budget requests \$1,636 million for FPD, which reflects the merger of detention functions under USMS. Previously, detention resources were appropriated under the Office of the Federal Detention Trustee.

Personnel (FY 2011 - 2014)



*Includes reimbursable Deputy U.S. Marshals

FY 2014 Strategy:

The FY 2014 budget request provides the necessary resources to maintain the USMS' core functions. The USMS ensures the functioning of the federal judicial process by protecting members of the judicial family (judges, attorneys, and court personnel), providing physical security in courthouses, safeguarding witnesses, transporting and producing prisoners for court proceedings, executing court orders and arrest warrants, apprehending fugitives, and managing and disposing of seized property. In addition, the USMS provides important technical assistance to support critical law enforcement investigations. The FY 2014 request promotes these missions by maintaining funding for priority areas, while promoting cost efficiencies.

Priority mission areas for FY 2014 include addressing violence along the Southwest Border, enforcing the Adam Walsh Child Protection and Safety Act, and ensuring that violent fugitives are located and apprehended. The USMS will also continue its traditional missions of providing judicial and courthouse security, managing the witness protection program, and conducting detention operations. The FY 2014 request for Construction supports these missions by allowing the USMS to renovate federal courthouse and detention facilities. These upgrades are essential for maintaining the security and safety of judicial officials, courtroom participants, the public, USMS personnel, and prisoners.

To streamline operations and reduce costs, the Department has merged the Office of the Federal Detention Trustee (OFDT) with the USMS. The merger will align the accountability of resources with the responsibility of federal detention operations, streamline financial processes, and allow detention personnel to continue to carry out their mission of finding efficiencies in the detention system, but under a single command and control structure within USMS leadership. 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 Federal Prisoner Detention appropriation funds the housing, transportation, medical care, and medical guard services for federal detainees remanded to USMS custody. The FY 2014 request reflects the increased costs of the detention population. USMS will continue to target detention efficiencies, including potential improvements to the prisoner transportation system.

FY 2014 Program Changes:

Salaries & Expenses

Program Offset - Administrative Efficiencies: -\$3.5 million and 0 positions

The Department is continually evaluating its programs and operations with the goal of achieving efficiencies and cost savings. In FY 2014, the Department is focusing on areas in which savings can be achieved, which include printing, publications, travel, conferences, supplies, and general equipment. For USMS, these administrative efficiencies will result in an offset of \$3.5 million. The FY 2013 President's Budget included this request; the FY 2014 President's Budget includes the same request but in a different amount. The current request is lower because we have re-examined the need and adjusted the amount requested accordingly.

Program Offset - IT Savings: -\$1.5 million and 0 positions
The Department is actively reviewing its IT programs to identify efficiencies and improve performance. Some of the areas being reviewed include consolidation of commodity IT services and strategic sourcing. The Department is also improving IT governance, visibility, and program management. These efforts, along with those conducted by USMS, will result in an FY 2014 offset of \$1.5 million. The FY 2013 President's Budget included this request; the FY 2014 President's Budget includes the same request but in a different amount. The current request is lower because we have re-examined the need and adjusted the amount requested accordingly. FY 2014 current services for this initiative are \$91.1 million.

Rescission - USMS S&E: -\$12.2 million and 0 positions
The FY 2014 budget proposes to rescind \$12.2 million in prior year balances. The FY 2013 President's Budget included this request; the FY 2014 President's Budget includes the same request but in a different amount. The current request is lower because we have re-examined the need and adjusted the amount requested accordingly.

Construction

Program Offset - Construction: -\$5.0 million and 0 positions
The construction appropriation provides resources to modify space controlled, occupied, and/or utilized by the USMS for prisoner holding and related support. The FY 2013 President's Budget included this request; the FY 2014 President's Budget includes the same request in the same amount.

Federal Prisoner Detention

Housing of USMS Detainees: \$54.9 million and 0 positions
Funds are requested to ensure that the USMS is able to pay for the housing, medical, and transportation costs for the USMS detainee population. Detention funding requirements are determined using a population forecasting model that incorporates factors such as population, demographic trends, average processing time per type of case, and the authorized positions of federal law enforcement, U.S. Attorneys and U.S. District Court judges. The average daily detention population is projected to be 62,131 in FY 2014. The FY 2013 President's Budget included this request; the FY 2014 President's Budget includes the same request but in a different amount. The current request is lower because we have re-examined the need and adjusted the amount requested accordingly. FY 2014 current services for this initiative are \$1.6 billion.

Rescission - USMS FPD: -\$80.0 million and 0 positions
The FY 2014 budget proposes to rescind \$80 million in prior year balances.

U.S. Marshals Service
(Dollars in Thousands)

	U.S. Marshals Service S&E			U.S. Marshals Service Construction			Federal Prisoner Detention			Total		
	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE**	Amount
2012 Enacted	5,544	5,181	1,174,000	0	0	15,000	0	0	0	5,544	5,181	1,189,000
2013 Continuing Resolution with rescission*	5,544	5,090	1,178,972	0	0	15,092	0	0	0	5,544	5,090	1,194,064
2014 Request w/o rescissions	5,544	5,090	1,204,033	0	0	10,000	27	19	1,635,538	5,571	5,109	2,849,571
Change 2014 from 2012 Enacted	0	-91	30,033	0	0	-5,000	27	19	1,635,538	27	-72	1,660,571
Technical Adjustments												
Restoration of Rescission - USMS S&E	0	0	2,200	0	0	0	0	0	0	0	0	2,200
Adjustment - 2013 CR 0.612%	0	0	-7,172	0	0	-92	0	0	0	0	0	-7,264
Technical Adjustment - USMS FPD	0	0	0	0	0	0	27	19	1,580,595	27	19	1,580,595
Total Technical Adjustments	0	0	-4,985	0	0	-92	27	19	1,580,595	27	19	1,575,518
Base Adjustments												
ATB Transfers	0	0	9,075	0	0	0	0	0	0	0	0	9,075
Pay & Benefits	0	0	8,670	0	0	0	0	0	56	0	0	8,726
Domestic Rent & Facilities	0	0	14,174	0	0	0	0	0	0	0	0	14,174
Other Adjustments	0	0	2,792	0	0	0	0	0	0	0	0	2,792
Foreign Expenses	0	0	332	0	0	0	0	0	0	0	0	332
Total Base Adjustments	0	0	35,043	0	0	0	0	0	68	0	0	35,111
2014 Current Services	5,544	5,090	1,209,043	0	0	15,000	27	19	1,580,663	5,571	5,109	2,804,706
Program Changes												
Increases:												
Housing of USMS Detainees	0	0	0	0	0	0	0	0	54,875	0	0	54,875
Subtotal, Program Increases	0	0	0	0	0	0	0	0	54,875	0	0	54,875
Decreases:												
Program Offset - Administrative Efficiencies	0	0	-3,533	0	0	0	0	0	0	0	0	-3,533
Program Offset - IT Savings	0	0	-1,477	0	0	0	0	0	0	0	0	-1,477
Program Offset - Construction	0	0	0	0	0	-5,000	0	0	0	0	0	-5,000
Subtotal, Program Decreases	0	0	-5,010	0	0	-5,000	0	0	0	0	0	-10,010
Total Program Changes	0	0	-5,010	0	0	-5,000	0	0	54,875	0	0	44,865
2014 Request	5,544	5,090	1,204,033	0	0	10,000	27	19	1,635,538	5,571	5,109	2,849,571
Rescission - USMS S&E	0	0	-12,200	0	0	0	0	0	0	0	0	-12,200
Rescission - USMS FPD	0	0	0	0	0	0	0	0	-80,000	0	0	-80,000

* The 2013 Continuing Resolution includes the 0.612% funding above current rate, provided by P.L. 112-175, sec. 101 (c).

** The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

U.S. Marshals Service S&E
(Dollars in Thousands)

Comparison by activity and program	FY 2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Judicial and Courthouse Security	2,222	2,077	454,888	2,222	2,041	466,227
Fugitive Apprehension	1,744	1,630	397,254	1,744	1,601	406,486
Prisoner Security and Transportation	1,194	1,118	249,802	1,194	1,099	255,895
Protection of Witnesses	207	193	34,509	207	189	35,565
Tactical Operations	177	163	37,547	177	160	44,870
Total	5,544	5,181	1,174,000	5,544	5,090	1,209,043
Reimbursable FTE	0	418	0	0	426	0
Rescission - USMS S&E	0	0	-2,200	0	0	0
Grand Total	5,544	5,599	1,171,800	5,544	5,516	1,209,043

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Judicial and Courthouse Security	0	0	-940	2,222	2,041	465,287
Fugitive Apprehension	0	0	-1,684	1,744	1,631	404,802
Prisoner Security and Transportation	0	0	-1,729	1,194	1,119	254,166
Protection of Witnesses	0	0	-96	207	193	35,469
Tactical Operations	0	0	-591	177	163	44,309
Total	0	0	-5,010	5,544	5,090	1,204,033
Reimbursable FTE	0	0	0	0	426	0
Rescission - USMS S&E	0	0	-12,200	0	0	-12,200
Grand Total	0	0	-17,210	5,544	5,516	1,191,833

U.S. Marshals Service Construction
(Dollars in Thousands)

Comparison by activity and program	FY 2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
USMS Construction	0	0	15,000	0	0	15,000
Total	0	0	15,000	0	0	15,000
Reimbursable FTE	0	0	0	0	0	0
Grand Total	0	0	15,000	0	0	15,000

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
USMS Construction	0	0	-5,000	0	0	10,000
Total	0	0	-5,000	0	0	10,000
Reimbursable FTE	0	0	0	0	0	0
Grand Total	0	0	-5,000	0	0	10,000

Federal Prisoner Detention
(Dollars in Thousands)

Comparison by activity and program	FY 2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Federal Prisoner Detention	0	0	0	27	27	1,634,042
Total	0	0	0	27	27	1,634,042
Reimbursable FTE	0	0	0	0	0	0
Rescission - USMS FPD	0	0	0	0	0	0

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Federal Prisoner Detention	0	0	0	27	27	1,634,042
Total	0	0	0	27	27	1,634,042
Reimbursable FTE	0	0	0	0	0	0
Rescission - USMS FPD	0	0	-80,000	0	0	-80,000
Grand Total	0	0	-80,000	27	27	1,554,042



Community Relations Service (CRS)

FY 2014 Budget Request At A Glance

FY 2012 Enacted:	\$11.5 million (56 positions; 2 attorneys)
Current Services Adjustments:	+\$461,000
Program Changes:	+\$547,000
FY 2014 Budget Request:	\$12.5 million (64 positions; 2 attorneys)
Change From FY 2012 Enacted:	+\$1.0 million (+8.8%) (+8 positions)

Mission:

Created by the Civil Rights Act of 1964, CRS serves as the Department's "peacemaker," dedicated to assisting state and local units of government, private and public organizations, and community groups to address community conflicts and tensions arising from differences of race, color, and national origin. CRS also helps communities develop the capacity to prevent and respond to alleged violent hate crimes on the basis of actual or perceived race, color, national origin, gender, gender identity, sexual orientation, religion, or disability. CRS facilitates the development of viable, mutual understandings and agreements as alternatives to coercion, violence, or litigation.

Resources:

The FY 2014 budget request for CRS totals \$12.5 million, which is a 8.8% increase over FY 2012 Enacted.

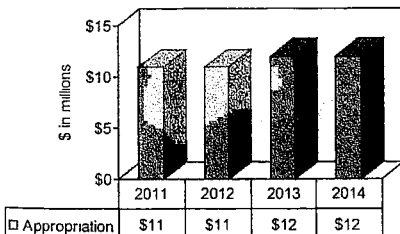
Organization:

CRS is headed by a Director, who is appointed by the President and confirmed by the Senate. CRS has 10 regional offices and 4 field offices across the United States.

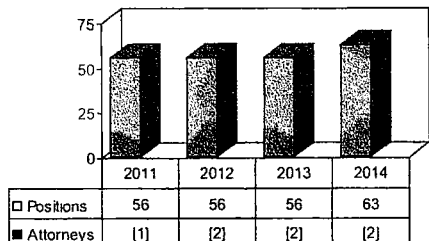
Personnel:

The CRS's direct positions for FY 2014 total 64 positions. CRS's FY 2014 request includes an increase of 8 positions over the FY 2012 Enacted level of 56 direct positions.

Funding (FY 2011 - 2014)



Personnel (FY 2011 - 2014)



FY 2014 Strategy:

CRS serves as the Department's "peacemaker" for community conflicts and tensions arising from real or perceived discriminatory practices based on race, color, or national origin and helps communities 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. CRS provides specialized mediation and conciliation services to state, local and federal officials and communities throughout the United States. CRS's goal is to assist in resolving and preventing racial, ethnic and national origin community conflicts, violence, and civil disorder and to help communities prevent or recover from an alleged violent hate crime committed on the basis of actual or perceived race, color, national origin, religion, disability, gender, gender identity, or sexual orientation.

To carry out its mission, CRS has implemented several strategies, which are intended to effectively address the issues of discriminatory practices based on race, color, or national origin that impair the rights of people. CRS strategies also enable communities to develop the capacity to work with local government and law enforcement officials to prevent and respond more effectively to violent hate crimes committed on the basis of race, color, national origin, gender, gender identity, sexual orientation, religion, or disability. Examples of various CRS strategies and programs include: Law Enforcement Mediation Skills Program; Anti-Racial Profiling Program; Arab-Muslim, Sikh (AMS) Cultural Awareness Program; and City-Problem Identification and Resolution of Issues Together (City-SPIRIT) Program.

CRS must constantly reintroduce its services to community and local government leaders due to election turnover, term-limited positions, and a statutory mandate that prevents CRS from publicizing much of its work. Evolving community "flash points" increase the need to be knowledgeable and aware of the host of vulnerabilities that communities face. In sum, obstacles to entry and the fluctuating nature of jurisdictional conflicts do not deter CRS from offering its services to communities in need. Through skillful conciliation and mediation, CRS's services can limit disruptions to community peace and stability. For any jurisdictional conflict, CRS stands ready to offer its conflict resolution services to communities across the United States.

FY 2014 Program Changes:**Hate Crime Prevention and Response: \$547,000 and 8 positions**

This request supports additional staff for CRS to ensure that the capacity of law enforcement and community leaders to respond to and prevent violent hate crimes is not impaired. CRS's caseload associated with responding to alleged hate crimes on the basis of race, color, or national origin as well as on the basis of the newly added categories of gender, gender identity, sexual orientation, religion, or disability has dramatically increased. With the additional resources, CRS will be able to address increasing hate-related activity and bring law enforcement officials, advocacy groups, and individual community members to the table in a way that creates lasting stability and harmony and enables those communities to address future conflicts without outside assistance. The FY 2013 President's Budget included this request; the FY 2014 President's Budget includes the same request but in a different amount. The current request is higher because we have re-examined the need and adjusted the amount requested accordingly. FY 2014 current services for this initiative are 9 positions and \$1.9 million.

Community Relations Service
(Dollars in Thousands)

	Community Relations Service		
	Pos	FTE**	Amount
2012 Enacted	56	45	11,456
2013 Continuing Resolution*	56	44	11,526
2014 Request	64	48	12,464
Change 2014 from 2012 Enacted	8	3	1,008
Technical Adjustments			
Adjustment - 2013 CR 0.612%	0	0	-70
Total Technical Adjustments	0	0	-70
Base Adjustments			
ATB Transfers	0	0	24
Pay & Benefits	0	0	125
Domestic Rent & Facilities	0	0	312
Total Base Adjustments	0	0	461
2014 Current Services	56	44	11,917
Program Changes			
Increases:			
Hate Crime Prevention and Response	8	4	547
Subtotal, Program Increases	8	4	547
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	8	4	547
2014 Request	64	48	12,464

* The 2013 Continuing Resolution includes the 0.612% funding above current rate, provided by P.L. 112-175, sec. 101 (c).

** The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates

Community Relations Service
(Dollars in Thousands)

Comparison by activity and program	2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Conflict Resolution and Violence Prevention - Program Operations	56	45	11,456	56	44	11,917
Total	56	45	11,456	56	44	11,917
Reimbursable FTE	0	0	0	0	0	0
Grand Total	56	45	11,456	56	44	11,917

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Conflict Resolution and Violence Prevention - Program Operations	8	4	547	64	48	12,464
Total	8	4	547	64	48	12,464
Reimbursable FTE	0	0	0	0	0	0
Grand Total	8	4	547	64	48	12,464



Asset Forfeiture Program (AFP)

FY 2014 Budget Request At A Glance

FY 2012 Enacted:	\$20.9 million (Discretionary Authority)
	\$4,481 million (23 positions) (Indefinite Authority)
FY 2014 Budget Request:	\$20.9 million (Discretionary Authority)
	\$1,557 million (23 positions) (Indefinite Authority)
Change From FY 2012 Enacted:	+\$0 (Discretionary Authority)
	-\$2,924 (-65.3%) million (Indefinite Authority)

Mission:

The Asset Forfeiture Program's (AFP) primary mission is to enforce Federal laws by using asset forfeiture consistently and strategically to disrupt and dismantle criminal enterprises, deprive wrongdoers of the proceeds and instrumentalities of criminal activity, deter crime, and restore property to crime victims while protecting individual rights. The AFP achieves this mission by providing Federal law enforcement agencies that participate in the program the tools, policies, and funding to fight crime through forfeiture.

Resources:

All AFP 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. The \$1,557 million, which is scored as mandatory, will be used to pay victims and third parties, share resources with state and local participants, and fund programs in support of the AFP. In addition, \$675 million is proposed as a scorekeeping credit to DOJ's discretionary Budget Authority.

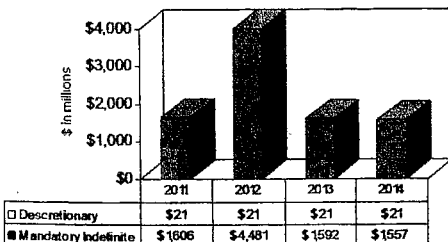
Organization:

The Asset Forfeiture Management Staff (AFMS) is in the Justice Management Division and is located in Washington, DC. AFMS manages all financial and budgetary aspects of the Assets Forfeiture Fund, along with information systems and nationwide forfeiture support contracts. Participating agencies of the AFP include the Criminal Division's Asset Forfeiture and Money Laundering Section, the Federal Bureau of Investigation, Drug Enforcement Administration, Bureau of Alcohol, Tobacco, Firearms, and Explosives, United States Marshals Service, Executive Office for U.S. Attorneys, and several other Federal law enforcement agencies. Allocation recommendations are forwarded to the Deputy Attorney General by AFMS through the Justice Management Division.

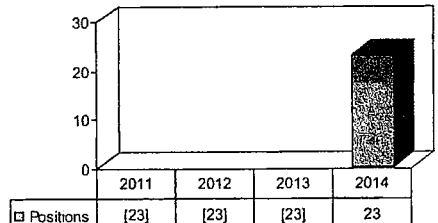
Personnel:

AFMS has 23 personnel funded through the Assets Forfeiture Fund. An additional 412 government positions dedicated to forfeiture-related activities within other components are funded through the Assets Forfeiture Fund. Prior to FY 2012, AFMS positions were funded on a reimbursable basis through the Department's Working Capital Fund, using funds from the Assets Forfeiture Fund.

Funding (FY 2011 - 2014)



Personnel (FY 2011 - 2014)



FY 2014 Strategy:

In FY 2014, the Department's forfeiture program will continue to play a critical and key role in disrupting and dismantling illegal enterprises, depriving criminals of the proceeds of illegal activity, deterring crime, and restoring property to victims.

Investigating and forfeiting criminal assets can be a long and complex process. By combatting the crime of money laundering, organized crime is deprived of the profits of crime. The fight against money laundering combined with the law enforcement tool of asset forfeiture accomplishes many important goals, such as: keeping drugs off of our playgrounds and away from our children; safeguarding the human dignity of women and children trafficked into forced labor and prostitution; and preventing the funding of terrorist activity. The challenges facing law enforcement in today's environment are immense. We must provide our investigators and prosecutors all the legal and regulatory tools necessary to keep up with, and ahead of, those who launder the proceeds of crime. To effectively combat criminal activity, law enforcement must have the means that are at least as sophisticated, if not more so, than the criminals. The strategic use of asset forfeiture can provide critical assistance for overcoming these demanding challenges and ensuring there is no safe haven for criminal proceeds.

The AFP is the primary source of funding to pay for state and local law enforcement officer participation in DOJ task forces. The AFP pays for overtime, vehicles, and other equipment of the state and local officers. Over 6,300 state and local law enforcement officers participate in DOJ task forces.

The AFP faces a number of challenges, internal and external. Among these is the increasing participation with foreign countries to investigate and repatriate illicit proceeds secreted overseas. While beneficial, these cases can be difficult to negotiate and often take a significant amount of time to finalize. Revenues into the Assets Forfeiture Fund are also difficult to predict, particularly when there are large forfeiture cases with non-recurring deposits. These unpredictable changes in revenues must be carefully considered prior to providing participating agencies with forfeiture budget authority, as the Fund is not allowed to operate at a deficit.

FY 2014 Program Changes:**Discretionary Authority**

The FY 2014 Current Services for this initiative are 23 positions and \$20.9 million.

Adjustment to FY 2014 Estimate: -\$2,924 million and 0 positions. Current FY 2014 estimates are -2,924 million below the FY 2012 level. This adjustment is due to FY 2012 receipts and obligations related to extraordinarily large cases. The overall expense estimate for mandatory expenses is \$1,557 million, which will support allowable expenses of the Fund.

Asset Forfeiture Program
(Dollars in Thousands)

	Permanent Indefinite Authority			Discretionary Authority			Total		
	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE**	Amount
2012 Enacted	[23]	23	4,480,757	0	0	20,948	[23]	23	4,501,705
2013 Continuing Resolution	[23]	22	1,591,993	0	0	21,076	[23]	22	1,613,069
2014 Request	23	22	1,556,996	0	0	20,948	23	22	1,577,944
Change 2014 from 2012 Enacted	0	0	-2,923,761	0	0	0	0	0	-2,923,761
Technical Adjustments									
Adjustment - 2013 CR 0.612%	0	0	0	0	0	-128	0	0	-128
Total Technical Adjustments	[0]	0	0	0	0	-128	[0]	0	-128
Base Adjustments									
Total Base Adjustments	[0]	0	0	0	0	0	[0]	0	0
2014 Current Services	23	22	4,480,757	0	0	20,948	23	22	4,480,757
Program Changes									
Increases:									
Subtotal, Program Increases	0	0	0	0	0	0	0	0	0
Decreases:									
Adjustment to FY 2014 Estimate	0	0	-2,923,761	0	0	0	0	0	-2,923,761
Subtotal, Program Decreases	0	0	-2,923,761	0	0	0	0	0	-2,923,761
Total Program Changes	0	0	-2,923,761	0	0	0	0	0	-2,923,761
2014 Request	23	22	1,556,996	0	0	20,948	23	22	1,577,944

* The 2013 Continuing Resolution includes the 0.612% funding above current rate, provided by P.L. 112-175, sec. 101 (c).

** The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

Assets Forfeiture Fund (Permanent Indefinite Authority)
(Dollars in Thousands)

Comparison by activity and program	2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Permanent, Indefinite Authority	23	23	4,480,757	23	22	1,556,996
Total	23	23	4,480,757	23	22	1,556,996
Reimbursable FTE	0	0	0	0	0	0
Grand Total	23	23	4,480,757	23	22	1,556,996

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Permanent, Indefinite Authority	0	0	0	23	23	1,556,996
Total	0	0	0	23	23	1,556,996
Reimbursable FTE	0	0	0	0	0	0
Grand Total	0	0	0	23	23	1,556,996

Assets Forfeiture Fund (Discretionary Authority)
(Dollars in Thousands)

Comparison by activity and program	2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
AFF - Appropriated, Definite Authority	0	0	20,948	0	0	20,948
Total	0	0	20,948	0	0	20,948
Reimbursable FTE	0	0	0	0	0	0
Grand Total	0	0	20,820	0	0	20,948

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
AFF - Appropriated, Definite Authority	0	0	0	0	0	20,948
Total	0	0	0	0	0	20,948
Reimbursable FTE	0	0	0	0	0	0
Grand Total	0	0	0	0	0	20,948



Interagency Crime & Drug Enforcement (ICDE)

FY 2014 Budget Request At A Glance

FY 2012 Enacted:	\$527.5 million (3,331 positions; 577 attorneys; 1,599 agents)
Current Services Adjustments:	+\$5.2 million
Program Changes:	-\$9.7 million
FY 2014 Budget Request:	\$523.0 million (3,186 positions; 572 attorneys; 1,490 agents)
Change From FY 2012 Enacted:	-\$4.5 million (-0.8%) (-145 positions; -5 attorneys; -109 agents)

Mission:

The Interagency Crime and Drug Enforcement (ICDE) appropriation funds the Organized Crime Drug Enforcement Task Force (OCDETF) Program. The mission of OCDETF is to reduce the supply of illegal drugs in the United States and diminish the violence associated with the drug trade by dismantling and disrupting the most significant drug trafficking organizations and the financial infrastructure that supports them.

The *Transnational Organized Crime (TOC) Strategy* recognizes the OCDETF Program as an integral partner with the TOC Program. The *TOC Strategy* explicitly considers transnational organized crime a significant threat that is increasingly intertwined with high-level drug trafficking and terrorist groups. The International Organized Crime Intelligence and Operations Center (IOC-2) is a multi-agency intelligence center whose mission is to disrupt and dismantle those international criminal organizations posing the greatest threat to the United States.

Resources:

The FY 2014 budget request for ICDE S&E totals \$523.0 million, which is a 0.8% decrease from the FY 2012 Enacted.

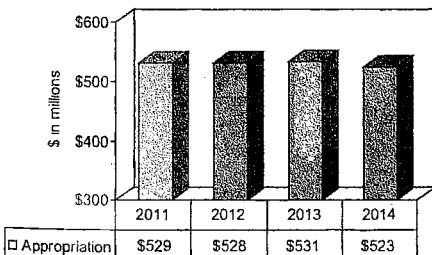
Organization:

The OCDETF Program is the centerpiece of the Department's counterdrug efforts. It operates nationwide and combines and coordinates the drug enforcement efforts of ATF, Coast Guard, DEA, FBI, Immigration and Customs Enforcement, USMS, Internal Revenue Service, the 94 United States Attorneys' Offices, the Criminal Division, and other federal, state, local, tribal, and international law enforcement agencies. The Program is organized into nine regions, each with its own Advisory Council and its own Coordination Group. These groups set the policies and priorities for their regions and conduct the final review of cases that have been proposed for OCDETF designation. At the district level, there is a District Coordination Group which reviews cases proposed for OCDETF designation, ensures appropriate allocation of resources, and monitors case progress at the local level.

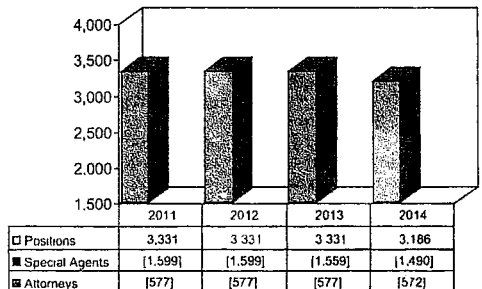
Personnel:

The OCDETF Program's direct positions for FY 2014 total 3,186, including 1,490 special agents and 572 attorneys, all of whom are located in domestic offices

Funding (FY 2011 - 2014)



Personnel (FY 2011 - 2014)



FY 2014 Strategy:

To fulfill its mission, the OCDETF program has identified a number of strategies to reduce the supply of illegal drugs in the United States.

Identify, disrupt, and dismantle Consolidated Priority Organization Targets (CPOTs): The OCDETF Program oversees the Attorney General's CPOT list. The CPOT list is comprised of the "Most Wanted" leaders of the drug trafficking and money laundering organizations believed to be primarily responsible for the nation's supply of illegal drugs. These targets are proposed by OCDETF's participating agencies, using their combined available intelligence to identify the most significant targets.

Disrupt and dismantle Regional Priority Organization Targets (RPOTs): To succeed, OCDETF must identify the major organizations that operate at each and every level of the drug distribution chain, throughout the United States. Each of OCDETF's nine regions designates those drug trafficking and money laundering organizations within the region having the greatest impact upon the region's supply of illegal drugs.

Attack the financial infrastructure of drug organizations: In order to fully and completely dismantle a drug organization, law enforcement must destroy the organization's access to financial resources, thereby eliminating the organization's ability to reconstitute itself. The lynchpin in this approach is a coordinated attack that uses the asset forfeiture laws to strip targets of their illegally acquired profits no matter where those profits have been hidden.

Enhance law enforcement's ability to analyze data through the OCDETF Fusion Center: To enhance OCDETF's overall capacity to engage in intelligence-driven law enforcement, OCDETF created the OCDETF Fusion Center (OFC), a comprehensive data center containing all drug and related financial intelligence information from the seven OCDETF-member investigative agencies, the Financial Crimes Enforcement Network, and others. The OFC is designed to conduct analysis of drug and related financial data, create comprehensive intelligence pictures of targeted organizations – including those identified as CPOTs and RPOTs – and pass actionable leads through the multi-agency Special Operations Division (SOD) to OCDETF participants in the field. The OFC produces both tactical and strategic intelligence products for use in the field, drawing from law enforcement and intelligence data that has not been widely shared historically.

The *Transnational Organized Crime (TOC) Strategy* recognizes the OCDETF Program as an integral partner with the TOC Program. The *TOC Strategy* explicitly considers transnational organized crime a significant threat that is increasingly intertwined with high-level drug trafficking and terrorist groups. In partnership with the OCDETF Fusion Center (OFC) and the Special Operations Division (SOD) of the Drug Enforcement Administration, the Attorney General's Organized Crime Coordination Committee (AGOCC) established the International Organized Crime Intelligence and Operations Center (IOC-2) on May 29, 2009. The IOC-2 is a multi-agency intelligence center whose mission is to significantly disrupt and dismantle those international criminal organizations posing the greatest threat to the United States.

FY 2014 Program Changes:

International Organized Crime Intelligence and Operations Center (IOC) Operational Funding: \$3.0 million and 1 position.

Funding to support operational expenses in pursuit of DOJ's International Organized Crime activities. There are no Current Services for this initiative.

Program Offset - IT Savings: -\$150,000 and 0 positions

The Department is actively reviewing its IT programs to identify efficiencies and improve performance. Some of the areas being reviewed include consolidation of commodity IT services and strategic sourcing. The Department is also improving IT governance, visibility, and program management. These efforts, along with those conducted by OCDETF, will result in an FY 2014 offset of \$150,000. FY 2014 current services for this initiative are \$15.3 million.

Program Offset - Investigative Component Reduction: -\$12.5 million and -146 positions (-109 agents)

The request proposes a reduction of \$12.5 million in funding for OCDETF investigative components. The offset also includes the elimination of 109 agent positions.

Interagency Crime & Drug Enforcement
(Dollars in Thousands)

	Salaries & Expenses		
	Pos	FTE**	Amount
2012 Enacted	[3,331]	[3,277]	527,512
2013 Continuing Resolution	[3,331]	[3,277]	530,740
2014 Request	[3,331]	[3,277]	523,037
Change 2014 from 2012 Enacted	0	0	-4,475
Technical Adjustments			
Adjustment - 2013 CR 0.612%	0	0	-3,228
Total Technical Adjustments	[0]	[0]	-3,228
Base Adjustments			
Pay & Benefits	0	0	5,094
Domestic Rent & Facilities	0	0	81
Total Base Adjustments	[0]	[0]	5,175
2014 Current Services	[3,331]	[3,277]	532,687
Program Changes			
Increases:			
International Organized Crime (IOC) Operational Funding	[1]	[1]	3,000 ¹
Subtotal, Program Increases	[1]	[1]	3,000
Decreases:			
Program Offset - IT Savings	0	0	-150
Program Offset - Investigative Component Reduction	[-146]	[-145]	-12,500
Subtotal, Program Decreases	[-146]	[-145]	-12,650
Total Program Changes	[-145]	[-144]	-9,650
2014 Request	[3,186]	[3,133]	523,037

* The 2013 Continuing Resolution includes the 0.612% funding above current rate, provided by P.L. 112-175, sec. 101 (c).

** The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

Interagency Crime & Drug Enforcement
(Dollars in Thousands)

Comparison by activity and program	FY 2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Investigations	2,280	2,278	378,447	2,280	2,278	382,471
Prosecutions	1,051	999	149,065	1,051	999	150,216
Transnational Organized Crime	0	0	0	0	0	0
Total	3,331	3,277	527,512	3,331	3,277	532,687
Reimbursable FTE	0	0	0	0	0	0
Grand Total	3,331	3,277	527,512	3,331	3,277	532,687

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Investigations	-137	-136	-11,650	2,143	2,142	370,821
Prosecutions	-9	-9	-1,000	1,042	990	149,216
Transnational Organized Crime	1	1	3,000	1	1	3,000
Total	-145	-144	-9,650	3,186	3,133	523,037
Reimbursable FTE	0	0	0	0	0	0
Grand Total	-145	-144	-9,650	3,186	3,133	523,037



Federal Bureau of Investigation (FBI)

FY 2014 Budget Request At A Glance

FY 2012 Enacted:	\$8,118 million (34,019 positions; 12,979 agents)
Current Services Adjustments:	+\$170.9 million
Program Changes:	+\$153.8 million
FY 2014 Budget Request:	\$8,443 million (34,787 positions; 13,082 agents)
Change From FY 2012 Enacted:	+\$324.7 million (+4.0%) (+768 positions; +103 agents)

Mission:

The mission of the FBI 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 services to federal, state, municipal, and international agencies and partners.

Organization:

The FBI is headed by a Director who is appointed by the President and confirmed by the Senate. FBI Headquarters, located in Washington, DC, provides centralized operational, policy, and administrative support to FBI investigations. The FBI operates 56 field offices in major U.S. cities and over 360 resident agencies (RAs) throughout the country. RAs are satellite offices that allow the FBI to maintain a presence in and serve local communities. The FBI also operates over 60 Legal Attaché (Legat) offices and 14 sub-offices in 67 foreign countries around the world. Additionally, there are several specialized facilities and analytical centers within the FBI that are at various locations across the country, such as the Criminal Justice Information Services Division (CJIS), the Terrorist Explosive Device Analytical Center (TEDAC), and the FBI Academy and Laboratory at Quantico.

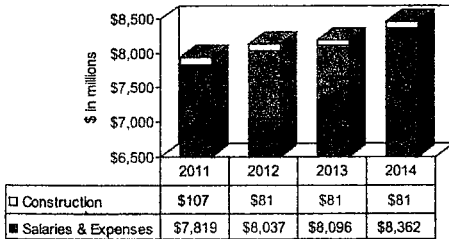
Resources:

The FY 2014 budget request for FBI totals \$8,443 million, which is a 4.0% increase over the FY 2012 Enacted. A rescission of \$150 million from prior year unobligated S&E balances is also proposed.

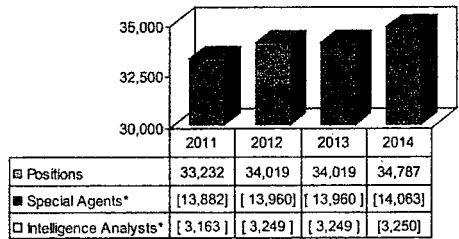
Personnel:

The FBI's direct funded positions for FY 2014 total 34,787 positions. FBI's FY 2014 request includes an increase of 768 positions over the FY 2012 enacted level of 34,019 direct positions.

Funding (FY 2011 - 2014)



Personnel (FY 2011 - 2014)



* Includes Reimbursable Positions

FY 2014 Strategy:

The FBI's budget strategy is based on the FBI's understanding of current and future national security and criminal investigative threats. From this understanding, the FBI has identified critical, enterprise-wide capabilities needed to perform its mission. This capabilities-based approach to planning the FBI's future resource requirements is necessary since it is not possible to project with certainty who will be the future adversary. Future capabilities are designed to enable the FBI to address the range of expected national security threats and crime problems regardless of who perpetrates the act.

To meet these threats and crime problems and operate successfully in a challenging external environment, the FBI works to integrate intelligence and law enforcement. As a member of the Intelligence Community, the FBI has placed an increased emphasis on threat-based, intelligence-driven investigations and operations, especially in the areas of counterterrorism and counterintelligence, and on internal and external information sharing. In addition, the FBI continues to form and maintain alliances with others in law enforcement, at home and abroad, as these relationships are essential.

The foundation of the FBI's budget strategy is supported by four objectives: (1) the application of a Strategy Management System (SMS) to FBI planning; (2) accelerated improvements in program management through intelligence-driven operations; (3) continuation of outyear planning; and (4) a directed growth strategy aligned to the FBI's most critical requirements.

The FY 2014 budget supports key enhancements to increase surveillance and computer intrusion resources in order to address growing threats posed by international terrorists and the vulnerabilities in the U.S. cyber networks. Additional resources are requested to support the ongoing operations and maintenance of the newly constructed Biometric Technology Center, enhance the FBI's ability to investigate financial and mortgage fraud, and double its capacity to process National Instant Criminal Background Checks (NICS).

FY 2014 Program Changes:

Salaries and Expenses

Biometrics Technology Center O&M: \$7.4 million and 0 positions

The requested funding will support operations and maintenance (O&M) costs for the new Biometric Technology Center (BTC), which will house the CJIS Divisions' Biometric Services Section with the biometric operations of the Department of Defense (DOD). The facility will serve as a center of excellence for research, development, and application of biometrics in support of national security and law enforcement. There are no current services for this initiative.

Financial and Mortgage Fraud: \$15.0 million and 44 positions (40 agents)

The requested funding will increase the FBI's capacity to investigate financial fraud and mortgage fraud schemes. In FY 2012 the FBI had over 2,700, pending financial fraud (corporate and securities) cases and over 2,200 pending mortgage fraud cases. The requested 40 new agents and 4 forensic accountants will create two hybrid squads to target

the most significant complex financial crimes and remaining resources will be allocated to FBI field offices to increase financial and mortgage fraud efforts. This enhancement will permit the FBI to address high priority and high loss investigations and provide a substantial return on investment. For example, the average return on investment for one corporate fraud agent was approximately \$54 million over the past three fiscal years. The FY 2013 President's Budget included this request; the FY 2014 President's Budget includes the same request in the same amount. FY 2014 current services for economic fraud are 922 positions (693 Agents) and \$147.1 million.

National Instant Criminal Background Check System (NICS): \$100.0 million and 524 positions

This requested funding will double the capacity of the existing NICS system, including IT system capacity, the number of NICS examiners, and NICS call center capacity. This expansion is vital in ensuring NICS can operate under the additional transaction load anticipated by a universal background check requirement. FY 2014 current services for this initiative are 548 positions (1 agent) and \$68.4 million.

Next Generation Cyber: \$86.6 million and 152 positions (60 agents)

The requested funding will support the Next Generation Cyber Initiative and will increase cyber investigation capabilities and victim identification by adding 50 special agents and 50 computer scientists, improve cyber collection and analysis, and extend centralized analytical capabilities to the field by deploying cyber workstations to serve as portals for communicating intrusion-related data bureau-wide. FY 2014 current services for this initiative are 1,333 positions (756 agents) and \$314.0 million.

Surveillance: \$6.0 million and 28 positions (4 agents)

The requested funding will improve the FBI's ability to conduct surveillance on the highest priority targets. FY 2014 current services for this initiative are 1,769 positions (545 agents) and \$261.5 million.

Program Offset Administrative Efficiencies: -\$11.2 million and 0 positions

The Department is continually evaluating its programs and operations with the goal of achieving across-the-board economies of scale that result in increased efficiencies and cost savings. In FY 2014, the Department is focusing on areas in which savings can be achieved, including printing, publications, travel, conferences, supplies, and general equipment. For the FBI these administrative efficiencies will result in an offset of \$11.2 million. The FY 2013 President's Budget included this request; the FY 2014 President's Budget includes the same request in the same amount.

Program Offset - Contractor Reduction: -\$7.1 million and 0 positions

The FY 2014 Budget Request reduces funding for contractors by \$7.1 million. FY 2014 current services are \$372.2 million. The FY 2013 President's Budget included this request; the FY 2014 President's Budget includes the same request in the same amount.

Program Offset - Critical Incident Response: -\$3.4 million and 0 positions

This offset reflects anticipated savings that will be achieved by reducing spending on training and equipment. As the lead agency for responding to critical incidents and major investigations as mandated through the National Security

and Homeland Security Presidential Directives, the FBI will minimize the impact the reductions to training and equipment can have on the FBI's and its partners' response capabilities. The FY 2013 President's Budget included this request; the FY 2014 President's Budget includes the same request in the same amount. FY 2014 current services are \$190.7 million.

Program Offset - Eliminate National Gang Intelligence Center: -\$7.8 million and -15 positions (-1 agents)

This offset proposes to close the National Gang Intelligence Center. The FBI will continue to produce intelligence products in support of federal, state, and local investigations focused on gangs posing a significant threat to communities. The FY 2013 President's Budget included this request; the FY 2014 President's Budget includes the same request in the same amount. FY 2014 current services for this program are \$7.8 million.

Program Offset - Facilities Reduction: -\$22.6 million and 0 positions

The FY 2014 Budget request recommends reducing FBI's facilities funding by \$22.6 million in support of an ongoing effort to increase facility and logistics efficiencies. The FY 2013 President's Budget included this request; the FY 2014 President's Budget includes the same request in the same amount. FY 2014 current services for this program are \$638.4 million.

Program Offset - Lower Priority Program Reduction:

-\$2.0 million and 0 positions

The FY 2014 Budget request reduces funding for lower priority initiatives in order to support higher priority National Security and Cyber initiatives.

Program Offset - Permanent Change of Station (Professional Staff): -\$5.0 million and 0 positions

The FY 2014 Budget request reduces funding for transfers by \$5.0 million. The FY 2013 President's Budget included this request, dubbed "Relocation Program"; the FY 2014 President's Budget includes the same request in the same amount. FY 2014 current services for this program are \$118.0 million.

Program Offset - State and Local Security Clearances: -\$2.1 million and 0 positions

The FY 2014 Budget request discontinues the use of direct resources on security clearances for state and local task force officers that are not members of the Joint Terrorism Task Force (JTTF). FY 2014 current services for this program are \$21.9 million.

Rescission - FBI S&E: -\$150.0 million and 0 positions

A rescission of \$150.0 million in prior year balances is also proposed.

Federal Bureau of Investigation
(Dollars in Thousands)

	FBI Salaries and Expenses			FBI Construction			Total		
	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE**	Amount
2012 Enacted	34,019	32,381	8,036,991	0	0	80,982	34,019	32,381	8,117,973
2013 Continuing Resolution with Supplemental *	34,019	32,807	8,096,197	0	0	81,478	34,019	32,807	8,177,675
2014 Request	34,787	33,292	8,361,687	0	0	80,982	34,787	33,292	8,442,669
Change 2014 from 2012 Enacted	768	911	324,696	0	0	0	768	911	324,696
Technical Adjustments									
Adjustment - 2013 CR 0.612%	0	0	-49,186	0	0	-496	0	0	-49,682
Adjustment - Hurricane Sandy Relief	0	0	-10,020	0	0	0	0	0	-10,020
Total Technical Adjustments	0	0	-59,206	0	0	-496	0	0	-59,702
Base Adjustments									
ATB Transfers	35	35	66,333	0	0	0	35	35	66,333
Pay & Benefits	0	91	104,464	0	0	0	0	91	104,464
Domestic Rent & Facilities	0	0	14,835	0	0	0	0	0	14,835
Other Adjustments	0	0	8,181	0	0	0	0	0	8,181
Foreign Expenses	0	0	8,658	0	0	0	0	0	8,658
Non-Personnel Related Decreases	0	0	-31,543	0	0	0	0	0	-31,543
Total Base Adjustments	35	126	170,928	0	0	0	35	126	170,928
2014 Current Services	34,054	32,933	8,207,919	0	0	80,982	34,054	32,933	8,288,901
Program Changes									
Increases:									
Biometrics Technology Center O&M	0	0	7,375	0	0	0	0	0	7,375
Financial and Mortgage Fraud	44	22	15,000	0	0	0	44	22	15,000
NICS Expansion	524	262	100,000	0	0	0	524	262	100,000
Next Generation Cyber	152	76	86,584	0	0	0	152	76	86,584
Surveillance	28	14	6,000	0	0	0	28	14	6,000
Subtotal, Program Increases	748	374	214,959	0	0	0	748	374	214,959
Decreases:									
Program Offset - Administrative Efficiencies	0	0	-11,158	0	0	0	0	0	-11,158
Program Offset - Contractor Reduction	0	0	-7,113	0	0	0	0	0	-7,113
Program Offset - Critical Incident Response	0	0	-3,417	0	0	0	0	0	-3,417
Program Offset - Eliminate National Gang Intelligence Center	-15	-15	-7,826	0	0	0	-15	-15	-7,826
Program Offset - Facilities Reduction	0	0	-22,562	0	0	0	0	0	-22,562
Program Offset - Lower Priority Program Reduction	0	0	-2,000	0	0	0	0	0	-2,000
Program Offset - Permanent Change of Station (Professional Staff)	0	0	-5,000	0	0	0	0	0	-5,000
Program Offset - State and Local Security Clearances	0	0	-2,115	0	0	0	0	0	-2,115
Subtotal, Program Decreases	-15	-15	-61,191	0	0	0	-15	-15	-61,191
Total Program Changes	733	359	153,768	0	0	0	733	359	153,768
2014 Request	34,787	33,292	8,361,687	0	0	80,982	34,787	33,292	8,442,669
Rescission - FBI S&E	0	0	-150,000	0	0	0	0	0	-150,000

* The 2013 Continuing Resolution includes the 0.612% funding above current rate, provided by P.L. 112-175, sec. 101 (c).

** The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates

FBI Salaries and Expenses
(Dollars in Thousands)

Comparison by activity and program	2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Intelligence	7,211	6,864	1,683,508	7,144	6,897	1,718,629
Counterterrorism/Counterintelligence	12,757	12,143	3,229,096	13,053	12,627	3,340,305
Criminal Enterprises/Federal Crimes	11,948	11,373	2,624,371	11,801	11,439	2,656,854
Criminal Justice Services	2,103	2,000	500,016	2,056	1,970	492,131
Total	34,019	32,381	8,036,991	34,054	32,933	8,207,919
Reimbursable FTE	0	3,138	0	0	3,150	0
Grand Total	34,019	35,519	8,036,991	34,054	36,083	8,207,919

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Intelligence	-12	-14	-6,824	7,132	6,883	1,711,805
Counterterrorism/Counterintelligence	119	62	45,277	13,172	12,689	3,385,532
Criminal Enterprises/Federal Crimes	102	49	25,133	11,903	11,488	2,681,987
Criminal Justice Services	524	262	90,232	2,580	2,232	582,363
Total	733	359	153,768	34,787	33,292	8,361,687
Reimbursable FTE	0	0	0	0	3,150	0
Rescission - FBI S&E	0	0	-150,000	0	0	-150,000
Grand Total	0	0	3,768	34,787	36,442	8,211,687

FBI Construction
(Dollars in Thousands)

Comparison by activity and program	2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
FBI Construction	0	0	80,982	0	0	80,982
Total	0	0	80,982	0	0	80,982
Reimbursable FTE	0	0	0	0	0	0
Grand Total	0	0	80,982	0	0	80,982

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
FBI Construction	0	0	0	0	0	80,982
Total	0	0	0	0	0	80,982
Reimbursable FTE	0	0	0	0	0	0
Grand Total	0	0	0	0	0	80,982



Drug Enforcement Administration (DEA)

FY 2014 Budget Request At A Glance

FY 2012 Enacted:	\$2,025 million (8,304 positions; 71 attorneys; 4,053 agents)
Current Services Adjustments:	+\$54.9 million
Program Changes:	-\$11.9 million
FY 2014 Budget Request:	\$2,068 million (7,847 positions; 71 attorneys; 4,003 agents)
Change From FY 2012 Enacted:	+\$43.0 million (+1.6%) (-457 positions; -50 agents)

Mission:

DEA's mission is to enforce the controlled substances laws and regulations of the United States and bring to the criminal and civil justice system of the United States, or any other competent jurisdiction, those organizations and principal members of organizations involved in the growing, manufacture, or distribution of controlled substances appearing in or destined for illicit traffic in the United States; and to recommend and support non-enforcement programs aimed at reducing the availability of illicit controlled substances on the domestic and international markets.

Resources:

The FY 2014 budget request for DEA totals \$2,068 million, which is a 1.6% increase over FY 2012 Enacted.

In addition, the Diversion Control Fee Account (DCFA) request is \$360.9 million, a 12.1% increase over the FY 2012 Enacted.

Some functions from the National Drug Intelligence Center (NDIC) were transferred to DEA in FY 2012 and \$8 million is transferred to DEA to carry out those functions.

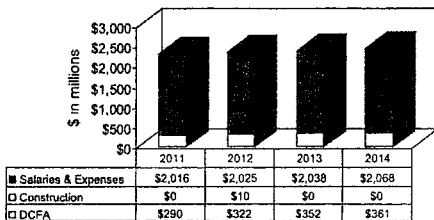
Organization:

DEA is headed by an Administrator and Deputy Administrator who are both appointed by the President with the advice and consent of the Senate. DEA operates 223 Domestic Offices, including 21 Domestic Field Divisions. DEA also operates 86 foreign offices in 67 countries.

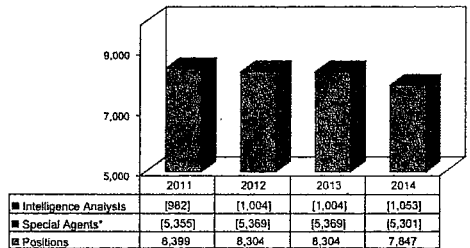
Personnel:

The DEA's direct positions for FY 2014 total 7,847 positions. DEA's FY 2014 request includes a decrease of -457 positions from the FY 2012 Enacted level of 8,304 direct positions. The decrease is due to the removal of unfunded positions. Additionally, DEA's fee funded positions for FY 2014 total 1,497 positions, which is equal to the FY 2012 Enacted level.

Funding (FY 2011 - 2014)



Personnel (FY 2011 - 2014)



* Includes Reimbursable SAs and IAs

FY 2014 Strategy:

DEA disrupts and dismantles significant drug trafficking and money laundering organizations, attacks the economic basis of the drug trade, and contributes to counterterrorism activities. The targeted drug traffickers are often ruthless, as drug-related violence in Mexico and narco-terrorism in Afghanistan demonstrate. Additionally, their crimes can transcend standard drug trafficking – they are directly tied to issues of national and border security.

Intelligence activities and information sharing will play an important role in DEA's enforcement efforts in FY 2014; as will large scale, multi-agency wire intercept investigations. The Special Operations Division is the backbone of DEA's coordination efforts through its support of multi-jurisdiction, multi-nation, and multi-agency wire intercept investigations, which attack the command and control communications of drug trafficking organizations. DEA will also continue to focus on the financial infrastructure of drug trafficking organizations. From FY 2005 through the first quarter of FY 2013, DEA has denied drug traffickers a cumulative total of \$22.2 billion in revenue through the seizure of both assets and drugs.

The Department has identified the Southwest Border as an area of particular interest given the threat of illegal drugs and violence in the region. The El Paso Intelligence Center has become a vital resource for federal, state, and local law enforcement. Additionally, with the realignment of the National Drug Intelligence Center functions, DEA will continue the production of high-priority strategic intelligence products.

DEA's Diversion Control Program (DCP) is tasked with preventing, detecting, and investigating the diversion of controlled substances and listed chemicals. Through the DCP, DEA regulates more than 1.4 million registrants, a population that grows at a rate of nearly three percent per year. DEA's Tactical Diversion Squads (TDS) are dedicated to investigating, disrupting, and dismantling individuals and organizations involved in drug diversion schemes. They combine the expertise of diversion investigators, special agents, and task force officers from various state and local law enforcement or regulatory agencies.

Internationally, DEA's cooperative partnerships with foreign nations help them to develop more self-sufficient and effective drug law enforcement programs. As part of this effort, DEA conducts training for foreign police agencies at the DEA Training Academy and on-site in the host nations. DEA also works with foreign counterparts to stand up and train vetted units of foreign law enforcement officers with whom DEA works and shares information. As an example, DEA assists the Government of Afghanistan to establish drug enforcement institutions and capabilities needed to enforce the rule of law. DEA's enforcement operations in Afghanistan focus on high value targets, including Taliban members, who use the heroin trade to fund insurgencies combating U.S. and coalition forces. Continued operations in Afghanistan will depend on future needs as the mission in Afghanistan transitions from military to civilian led.

FY 2014 Program Changes:**SALARIES AND EXPENSES**

Program Offset - Administrative Offset: -\$9.9 million and 0 positions

The Department is continually evaluating its programs and operations with the goal of achieving across-the-board economies of scale that result in increased efficiencies and cost savings. In FY 2014, the Department is focusing on areas in which savings can be achieved, which include printing, publications, travel, conferences, supplies, and general equipment. For DEA, these administrative efficiencies will result in an offset of \$9.9 million.

Program Offset - Hollow Position/FTE Reduction: \$0 and -514 positions (-50 agents)

This offset removes unfunded positions that have become vacant due to the reallocation of base resources from personnel to operations.

Program Offset - IT Savings: -\$2.0 million and 0 positions

The Department is actively reviewing its IT programs to identify efficiencies and improve performance. Some of the areas being reviewed include consolidation of commodity IT services and strategic sourcing. The Department is also improving IT governance, visibility, and program management. These efforts, along with those conducted by DEA, will result in an FY 2014 offset of \$2.0 million. FY 2013 current services for this initiative are \$266.0 million.

Rescission - DEA S&E: -\$10.0 million and 0 positions

CONSTRUCTION

There are no program changes for construction.

DIVERSION CONTROL FEE ACCOUNT (DCFA)

There are no program changes for DCFA.

Drug Enforcement Administration
(Dollars in Thousands)

	Salaries and Expenses			Construction			Diversion Control Fee Account			Total		
	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE***	Amount
2012 Enacted	8,304	6,968	2,025,000	0	0	10,000	1,497	1,336	322,000	9,801	8,304	2,357,000
2013 Continuing Resolution with Supplemental *	8,304	6,969	2,038,393	0	0	10,061	1,497	1,347	351,937	9,801	8,316	2,390,391
2014 Request without Rescissions	7,847	6,969	2,067,952	0	0	0	1,497	1,347	360,917	9,344	8,316	2,428,869
Change 2014 from 2012 Enacted	-457	1	42,952	0	0	-10,000	0	11	38,917	-457	12	71,869
Technical Adjustments												
Restoration of Rescission - DEA S&E	0	0	10,000	0	0	0	0	0	0	0	0	10,000
Adjustment - 2013 CR 0.612%	0	0	-12,393	0	0	-61	0	0	0	0	0	-12,454
Adjustment - Hurricane Sandy Relief	0	0	-1,000	0	0	0	0	0	0	0	0	-1,000
Total Technical Adjustments	0	0	-3,393	0	0	-61	0	0	0	0	0	-3,454
Base Adjustments												
ATB Transfers**	57	0	23,787	0	0	0	0	0	0	57	0	23,787
Pay & Benefits	0	0	11,918	0	0	0	0	0	9,045	0	0	20,961
Domestic Rent & Facilities	0	0	-1,668	0	0	0	0	0	-185	0	0	-1,853
Other Adjustments	0	0	6,784	0	0	0	0	0	0	0	0	6,784
Foreign Expenses	0	0	14,051	0	0	0	0	0	120	0	0	14,171
Non-Personnel Related Decreases	0	0	0	0	0	-10,000	0	0	0	0	0	-10,000
Total Base Adjustments	57	0	54,870	0	0	-10,000	0	0	8,980	57	0	53,850
2014 Current Services	8,361	6,969	2,079,870	0	0	0	1,497	1,347	360,917	9,858	8,316	2,440,787
Program Changes												
Program Increases	0	0	0	0	0	0	0	0	0	0	0	0
Decreases:												
Program Offset - Administrative Offset	0	0	-9,880	0	0	0	0	0	0	0	0	-9,880
Program Offset - Hollow Position/FTE Reduction	-514	0	0	0	0	0	0	0	0	-514	0	0
Program Offset - IT Savings	0	0	-2,038	0	0	0	0	0	0	0	0	-2,038
Subtotal, Program Decreases	-514	0	-11,918	0	0	0	0	0	0	-514	0	-11,918
Total Program Changes	-514	0	-11,918	0	0	0	0	0	0	-514	0	-11,918
2014 Request	7,847	6,969	2,067,952	0	0	0	1,497	1,347	360,917	9,344	8,316	2,428,869
Rescission - DEA S&E	0	0	-10,000	0	0	0	0	0	0	0	0	-10,000

* The 2013 Continuing Resolution includes the 0.612% funding above current rate, provided by P.L. 112-175, sec. 101 (c).

**Some NDIC functions were transferred to DEA in FY 2012 and \$8 million is transferred to DEA to carry out those FY 2014 functions.

***The FTE for FY 2012 is actual and FY 2013 and FY 2014 are estimates.

Drug Enforcement Administration - S&E
(Dollars in Thousands)

Comparison by activity and program	2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
International Enforcement	1,074	994	417,670	1,074	946	433,512
Domestic Enforcement	7,199	5,954	1,601,690	7,256	6,001	1,640,693
State and Local Assistance	31	20	5,640	31	22	5,665
Total	8,304	6,968	2,025,000	8,361	6,969	2,079,870
Reimbursable FTE	0	1,353	0	0	1,323	0
Rescission - DEA S&E	0	0	-10,000	0	0	0
Grand Total	8,304	8,321	2,015,000	8,361	8,292	2,079,870

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
International Enforcement	0	0	-2,789	1,074	946	430,723
Domestic Enforcement	-514	0	-9,125	6,742	6,001	1,631,586
State and Local Assistance	0	0	-4	31	22	5,661
Total	-514	0	-11,918	7,847	6,969	2,067,952
Reimbursable FTE	0	0	0	0	1,323	0
Rescission - DEA S&E	0	0	-10,000	0	0	-10,000
Grand Total	-514	0	-21,918	7,847	8,292	2,057,952

Drug Enforcement Administration - Construction
(Dollars in Thousands)

Comparison by activity and program	2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Domestic Enforcement	0	0	10,000	0	0	0
Total	0	0	10,000	0	0	0
Reimbursable FTE	0	0	0	0	0	0
Grand Total	0	0	10,000	0	0	0

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Domestic Enforcement	0	0	0	0	0	0
Total	0	0	0	0	0	0
Reimbursable FTE	0	0	0	0	0	0
Grand Total	0	0	0	0	0	0

Drug Enforcement Administration - Diversion Control Fee Account
(Dollars in Thousands)

Comparison by activity and program	2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
DEA - Diversion Control	1,497	1,336	322,000	1,497	1,347	360,917
Total	1,497	1,336	322,000	1,497	1,347	360,917
Reimbursable FTE	0	0	0	0	0	0
Grand Total	1,497	1,336	322,000	1,497	1,347	360,917

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
DEA - Diversion Control	0	0	0	1,497	1,347	360,917
Total	0	0	0	1,497	1,347	360,917
Reimbursable FTE	0	0	0	0	0	0
Grand Total	0	0	0	1,497	1,347	360,917



Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)

FY 2014 Budget Request At A Glance

FY 2012 Enacted:	\$1,152 million (5,101 positions; 81 attorneys; 2,485 agents)
Current Services Adjustments:	+\$14.6 million
Program Changes:	+\$62.9 million
FY 2014 Budget Request:	\$1,230 million (5,192 positions; 81 attorneys; 2,611 agents)
Change From FY 2012 Enacted:	+\$78 million (+6.8%) (+91 positions; +126 agents)

Mission:

ATF protects our communities from violent criminals, criminal organizations, the illegal use and trafficking of firearms, the illegal use and storage of explosives, acts of arson and bombings, acts of terrorism, and the illegal diversion of alcohol and tobacco products. ATF regulates the firearms and explosives industries and Federal licensees to ensure that the rights afforded to every citizen under the Second Amendment are not diverted for criminal activity or gain. ATF partners with communities, industries, law enforcement, and public safety agencies to safeguard the public through information sharing, training, research, and the use of technology.

Resources:

The FY 2014 budget request for ATF totals \$1,230 million, which is a 6.8% increase over FY 2012 Enacted. A rescission of \$12.4 million in prior year balances from S&E is also proposed.

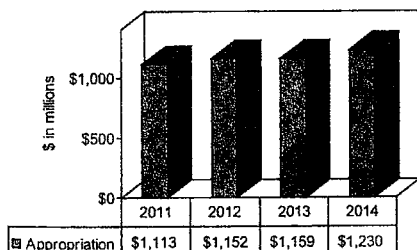
Organization:

ATF is headed by a Director, who is appointed by the President and confirmed by the Senate. During FY 2013, ATF operated a total of 25 Domestic Field Divisions. Also, during FY 2013, ATF maintains a presence in 14 international offices in 8 countries.

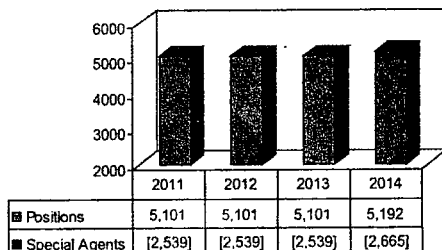
Personnel:

The ATF's direct positions for FY 2014 total 5,192 positions. ATF's FY 2014 request includes an increase of 91 positions over the FY 2012 Enacted level of 5,101 direct positions.

Funding (FY 2011 - 2014)



Personnel (FY 2011 - 2014)



*Includes reimbursable agents

FY 2014 Strategy:

ATF is dedicated to protecting the United States and its citizens from the illegal use of firearms and explosives in violent crime and acts of terrorism. In addition to investigating and preventing the illegal use of firearms and explosives, ATF promotes public safety by combating firearms trafficking, the improper use and storage of explosives, and the illegal diversion of alcohol and tobacco products. ATF is also the lead agency in investigations of arson and non-terrorism related bombings.

During FY 2012, ATF developed a revised business model entitled Frontline in response to identified management and operational vulnerabilities and as part of a continuing effort to improve efficiency. Frontline is a comprehensive and sustainable business model, focusing on business process standardization and accountability, which will be applied to ATF's criminal investigations, investigative services, and industry operations inspections. This new business model is the platform from which all ATF activities will be managed.

ATF operates a variety of programs to address firearms violence, arson and explosives related crime, and tobacco and alcohol diversion activities. Illegally trafficked firearms are the "tools of the trade" that violent offenders use to commit crimes against each other, law enforcement and innocent civilians. ATF's illegal firearms trafficking enforcement efforts focus on reducing violent crime by stemming the flow of firearms to violent criminals. ATF also identifies, investigates and arrests individuals and organizations that illegally supply firearms to prohibited individuals. Criminal groups and gangs threaten all communities across the U.S. ATF targets its investigative resources on areas experiencing the most violent crime, and partners with other Federal, state and local law enforcement agencies to dismantle these armed violent criminal organizations by targeting the "worst of the worst" in these organizations and through surges of investigative resources.

The illegal trafficking of firearms, domestically and overseas, remains a high priority for ATF and, therefore, ATF continues to operate enforcement groups to address firearms trafficking and violent crime along every U.S. border, and the Caribbean. As part of the Department's overall anti-trafficking efforts, ATF works to stem the illegal trafficking of weapons across the borders and reduce the firearms-driven violence occurring domestically and internationally. eTrace, one of the tools used in these efforts, is a critical component in assisting U.S. and Mexican authorities with vital intelligence on illegal trafficking of firearms to Mexico.

ATF has a long history of investigating fires and criminal bombings. ATF maintains the experience and expertise to detect, prevent, and respond to, acts of arson and bombings. ATF manages the U.S. Bomb Data Center (USBDC), participates in Joint Terrorism Task Forces (JTTF) and also supports the Terrorist Explosive Device Analytical Center (TEDAC). ATF's National Center for Explosives Training and Research (NCETR) consolidated ATF's explosives expertise, training and research at Redstone Arsenal, AL. The NCETR develops and enhances technical knowledge and partnerships across Federal, state and local law enforcement and public safety agencies.

FY 2014 Program Changes:

Enforcement, Inspections, and Tracing: \$51.1 million and 255 positions (160 agents)

The requested funding will support the President's Gun Safety Initiative and increased violent crime efforts and inspections capabilities for ATF, as well as enhance crime gun tracing activities at ATF's National Tracing Center. The FY 2014 Current Services for this initiative are 2,937 positions (1,874 agents) and \$743.9 million.

National Integrated Ballistics Information Network (NIBIN): \$22.0 million

The requested funding of \$22.0 million, for a total of \$50.0 million, will significantly expand the NIBIN program and enhance ATF's ability to collect, report, and share ballistic intelligence with Federal, state, local and Tribal law enforcement partners, to identify, target, disrupt, and dismantle violent criminals, including serial shooters. The FY 2014 Current Services for this initiative are 19 positions (7 agents) and \$28.0 million.

Program Offset - Administrative Efficiencies: -\$7.4 million and -164 positions (-34 agents)

The Department is continually evaluating its programs and operations with the goal of achieving efficiencies and cost savings. In FY 2014, the Department is focusing on areas in which savings can be achieved, which include printing, publications, travel, conferences, supplies, and general equipment. For ATF, these administrative efficiencies will result in an offset of \$7.4 million. The offset also includes a reduction of 164 hollow positions, including 34 agent positions.

Program Offset - IT Savings: -\$2.7 million and 0 positions

The Department is actively reviewing its IT programs to identify efficiencies and improve performance. Some of the areas being reviewed include consolidation of commodity IT services and strategic sourcing. The Department is also improving IT governance, visibility, and program management. These efforts, along with those conducted by ATF, will result in an FY 2014 offset of \$2.7 million. FY 2014 current services for this initiative are \$132.2 million.

Rescission - ATF S&E: -\$12.4 million and 0 positions

The request proposes to rescind \$12.4 million in prior year unobligated balances.

Decision Unit Change:

ATF has reviewed its enforcement and regulatory responsibilities and is proposing a new decision unit structure as part of the FY 2014 President's Budget. The FY 2014 Budget reflects a change from the old paradigm of commodity-based structure (i.e., Firearms, Arson & Explosives, and Alcohol & Tobacco) to a new framework reflecting Law Enforcement Operations and Investigative Support Services. This new structure better reflects ATF's mission activities and emphasis on reducing violent crime and protecting and serving the public. It also allows ATF to better use the resources available to support its law enforcement mission.

Bureau of Alcohol, Tobacco, Firearms, and Explosives
(Dollars in Thousands)

	ATF Salaries & Expenses		
	Pos	FTE***	Amount
2012 Enacted	5,101	4,748	1,152,000
2013 Continuing Resolution with Supplemental*	5,101	4,748	1,159,280
2014 Request without Rescission	5,192	4,876	1,229,518
Change 2014 from 2012 Enacted	91	-149	77,518
Technical Adjustments			
Adjustment - 2013 CR 0.612%	0	0	-7,050
Adjustment - Hurricane Sandy Relief	0	0	-230
Total Technical Adjustments	0	0	-7,280
Base Adjustments			
ATB Transfers	0	0	3,833
Pay & Benefits	0	0	8,427
Domestic Rent & Facilities	0	0	-2,797
Other Adjustments	0	0	5,382
Foreign Expenses	0	0	-258
Total Base Adjustments	0	0	14,587
2014 Current Services	5,101	4,748	1,166,587
Program Changes			
Increases:			
Enforcement, Inspections, and Tracing	255	128	51,078
NIBIN	0	0	22,000
Subtotal, Program Increases	255	128	73,078
Decreases:			
Program Offset - Administrative Efficiencies	-164	0	-7,399
Program Offset - IT Savings	0	0	-2,748
Subtotal, Program Decreases	-164	0	-10,147
Total Program Changes	91	128	62,931
2014 Request	5,192	4,876	1,229,518
Rescission - ATF S&E	0	0	-12,400

* The 2013 Continuing Resolution includes the 0.612% funding above current rate, provided by P.L. 112-175, sec. 101 (c).

** The transfer of LEWC functions and funding was proposed for transfer in the FY 2013 Budget to the ATF (\$2.6 million).

*** The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

ATF Salaries & Expenses
(Dollars in Thousands)

Comparison by activity and program	FY 2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Law Enforcement Operations	4,411	4,106	996,172	4,411	4,106	1,027,771
Investigative Support Services	690	642	155,828	690	642	138,816
Total	5,101	4,748	1,152,000	5,101	4,748	1,166,587
Reimbursable FTE	0	55	0	0	55	0
Grand Total	5,101	4,803	1,152,000	5,101	4,803	1,166,587

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Law Enforcement Operations	79	111	35,393	4,490	4,217	1,063,164
Investigative Support Services	12	17	27,538	702	659	166,354
Total	91	128	62,931	5,192	4,876	1,229,518
Reimbursable FTE	0	0	0	0	55	0
Grand Total	0	0	62,931	5,192	4,931	1,229,518
Rescission - ATF	0	0	-12,400	0	0	-12,400

Bureau of Alcohol, Tobacco, Firearms and Explosives
Salaries and Expenses

Decision unit restructuring crosswalk

(Dollars in Thousands)

Comparison by Activity and Program	Prior Decision Unit Structure			New Decision Unit Structure								
	FY 2012 Enacted			Law Enforcement Operations			Investigative Support Services			Total		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Firearms	3,826	3,561	875,520	3,308	3,080	757,091	518	481	118,429	3,826	3,561	875,520
Arson & Explosives	1,173	1,092	253,440	1,015	944	219,158	158	148	34,282	1,173	1,092	253,440
Alcohol & Tobacco	102	95	23,040	88	82	19,923	14	13	3,117	102	95	23,040
Total	5,101	4,748	1,152,000	4,411	4,106	996,172	714	665	161,280	5,101	4,748	1,152,000
Reimbursable FTE		55			55						55	
Grand Total	5,101	4,803	1,152,000	4,411	4,161	996,172	714	665	161,280	5,101	4,803	1,152,000



Federal Prison System Federal Bureau of Prisons (BOP)

FY 2014 Budget Request At A Glance

FY 2012 Enacted:	\$6,641 million (41,310 positions; 19,756 correctional officers)
Current Services Adjustments:	+\$214.5 million
Program Changes:	+\$80.6 million
FY 2014 Budget Request:	\$6,936 million (43,361 positions; 20,911 correctional officers)
Change From FY 2012 Enacted	+\$295.1 million (+4.4%) (+2,051 positions; +1,155 correctional officers)

Mission:

The mission of the Federal Bureau of Prisons (BOP) is to protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient, appropriately secure, and provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens.

Organization:

BOP is led by a Director, a career public administrator appointed by the Attorney General. The bureau is managed from its Central Office located in Washington, DC. The Director, Deputy Director, Assistant Directors, and General Counsel provide administrative oversight to BOP offices and facilities. There are currently 119 prisons operating across the country.

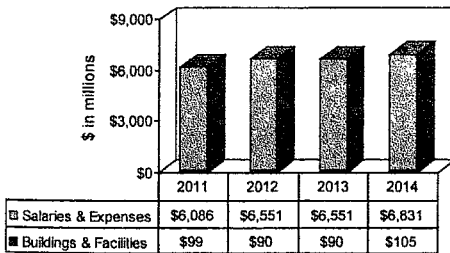
Resources:

The FY 2014 budget request for BOP totals \$6,936 million, which is a 4.4% increase over the FY 2012 Enacted. The request includes \$6,831 million for Salaries and Expenses and \$105.2 million for Buildings and Facilities. A rescission of \$30 million in prior year construction balances is also proposed.

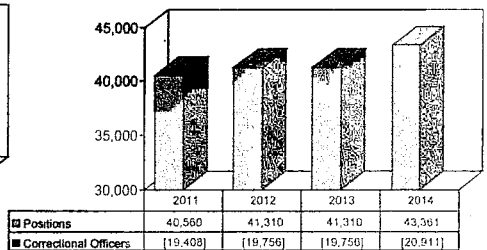
Personnel:

The BOP's direct positions for FY 2014 total 43,361 positions. BOP's FY 2014 request includes an increase of 2,051 positions over the FY 2012 Enacted level of 41,310 direct positions.

Funding (FY 2011 - 2014)



Personnel (FY 2011 - 2014)



FY 2014 Strategy:

By the end of FY 2013, BOP will be responsible for the custody and care of more than 221,000 federal offenders, which include sentenced inmates as well as detained persons awaiting trial and/or sentencing. This figure is estimated to grow to over 224,000 by the end of FY 2014.

The BOP protects public safety by ensuring that federal offenders serve their sentences of imprisonment in facilities that are safe, humane, cost-efficient, and appropriately secure. Approximately 81 percent of federal offenders are confined in BOP-operated facilities, while the balance is confined in secure privately managed or community-based facilities and local jails. In addition, the BOP helps reduce the potential for future criminal activity by encouraging inmates to participate in a range of programs that have been proven to reduce recidivism.

The Salaries and Expenses (S&E) appropriation funds the costs associated with administering and operating the Federal Prison System. The FY 2014 S&E budget will support the growing inmate population and assist in maintaining the safety of federal prisons for staff and inmates. The budget funds the initial or continued activation of five federal prisons during FY 2014 (FCI Berlin, NH, FCI Aliceville, AL, FCI Hazelton, WV, USP Yazoo City, MS, and ADX USP Thomson, IL). The full activation of these facilities will add up to 4,596 beds to rated capacity.

The FY 2014 budget proposes several program reforms:

- Cap the premium paid over the Medicare rate by changing contract structures – to lower annual BOP medical services costs by \$50.0 million.
- Legislatively expand sentence credits for inmates, which will avoid \$41.0 million in prison operation costs by slowing the rate of the federal inmate prison population growth. This proposal was transmitted in the FY 2012 and FY 2013 President's Budgets, but Congress has not taken action to effect these legislative changes even though the offset is assumed in both the FY 2013 House and Senate marks.

The Buildings and Facilities (B&F) appropriation supports the site, design, and construction of new correctional facilities, as well as the renovation and maintenance of existing institutions. For the B&F appropriation, the FY 2014 budget requests \$105 million.

FY 2014 Program Changes:

Salaries & Expenses

Begin Activation: ADX USP Thomson, IL (2,100 beds): \$43.7 million and 1,158 positions (749 correctional officers) Resources to begin activating ADX U.S. Penitentiary Thomson, which is a high security facility. There are no current services for this initiative.

Begin Activation: FCI Hazelton, WV (1,280 beds): \$25.0 million and 389 positions (188 correctional officers) Resources to begin activating FCI Hazelton, which is a medium security facility for which construction was completed in November 2012. The FY 2013 President's Budget included this request; the FY 2014 President's

Budget includes the same request but in a different amount. The current request is lower because we have re-examined the need and adjusted the amount requested accordingly. There are no current services for this initiative.

Begin Activation: USP Yazoo City, MS (1,216 beds): \$28.4 million and 416 positions (218 correctional officers) Resources to begin activating USP Yazoo City, which is a high security facility that BOP anticipates completing construction by July 2013. The FY 2013 President's Budget included this request; the FY 2014 President's Budget includes the same request in the same amount. There are no current services for this initiative.

Contract Bed Increase (1,000 x \$26,382): \$26.2 million and 4 positions

Resources to procure 1,000 new low security contract beds; provides full-year funding for the beds and lapsed personnel funding. The FY 2013 President's Budget included this request; the FY 2014 President's Budget includes the same request but in a different amount. The current request is higher because we have re-examined the need and adjusted the amount requested accordingly. FY 2014 current services for this initiative are \$664.9 million.

Expand RDAP: \$15.0 million and 120 positions

Resources to expand residential drug treatment programs to help BOP reach the goal of providing 12-month sentence credits to all eligible inmates, resulting in fewer taxpayer resources directed at housing inmates. The FY 2013 President's Budget included this request; the FY 2014 President's Budget includes the same request but in a different amount. The current request is higher because we have re-examined the need and adjusted the amount requested accordingly.

Reentry and Recidivism Reducing Programs: \$28.0 million and 0 positions

Resources to support reentry programs in BOP facilities and extend the average length of stay for inmates housed in residential reentry centers (RRC). FY 2014 current services for these reentry related programs are \$632.4 million.

Program Offset - Administrative Efficiencies: -\$5.5 million and 0 positions

The Department is continually evaluating its programs and operations with the goal of achieving efficiencies and cost savings. In FY 2014, the Department is focusing on areas in which savings can be achieved, which include printing, publications, travel, conferences, supplies, and general equipment. For BOP, these administrative efficiencies will result in an offset of \$5.5 million.

Program Offset - Renegotiate Medical Costs: -\$50.0 million and 0 positions

This offset assumes savings to be generated by changing internal BOP business practices and renegotiating BOP contracts for procuring medical services for federal prisoners.

Program Offset - Expand Sentence Credits for Inmates: -\$41.0 million and 0 positions

This offset represents savings from proposed legislative changes to statutes governing federal inmate good conduct time credit. The proposed reforms include (1) increase the

amount of credit an inmate can earn for good behavior, and (2) a new sentence reduction credit, which inmates can earn for participation in education and vocational programming. The FY 2013 President's Budget included this request; the FY 2014 President's Budget includes the same request in the same amount.

Program Offset - IT Savings: -\$4.2 million and 0 positions
The Department is actively reviewing its IT programs to identify efficiencies and improve performance. Some of the areas being reviewed include consolidation of commodity IT services and strategic sourcing. The Department is also improving IT governance, visibility, and program management. These efforts, along with those conducted by BOP, will result in an FY 2014 offset of \$4.2 million. FY 2014 current services for this initiative are \$203 million.

Buildings & Facilities

Renovation of ADX USP Thomson, IL (2,100 beds): \$15.0 million and 0 positions

Resources to renovate the Thomson Correctional Center into an ADX U.S. Penitentiary.

Rescission - BOP B&F: -\$30.0 million and 0 positions

The budget proposes to rescind \$30 million in prior year balances in the Buildings and Facilities appropriation.

Federal Prison System
(Dollars in Thousands)

	FPS Salaries & Expenses			FPS Buildings & Facilities			Total		
	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE**	Amount
2012 Enacted	41,035	35,307	6,551,281	275	256	90,000	41,310	35,563	6,641,281
2013 Continuing Resolution*	41,035	35,988	6,591,375	275	124	55,551	41,310	36,112	6,646,926
2014 Request w/o rescissions	43,122	36,873	6,831,150	239	126	105,244	43,361	36,999	6,936,394
Change 2014 from 2012 Enacted	2,087	1,476	279,869	-36	-130	15,244	2,051	1,436	295,113
Technical Adjustments									
Adjustment - 2013 CR 0.612%	0	0	-40,094	0	0	-551	0	0	-40,645
Adjustment - Hurricane Sandy Relief	0	0	0	0	0	-10,000	0	0	-10,000
Restoration of Rescission - BOP B&F	0	0	0	0	0	45,000	0	0	45,000
Total Technical Adjustments	0	0	-40,094	0	0	34,449	0	0	-5,645
Base Adjustments									
ATB Transfers	0	0	179	0	0	0	0	0	179
Pay & Benefits	0	0	54,536	0	0	244	0	0	54,780
Domestic Rent & Facilities	0	0	2,735	0	0	0	0	0	2,735
Other Adjustments	0	0	14	0	0	0	0	0	14
Prison and Detention	0	283	156,801	0	0	0	0	283	156,801
Non-Personnel Related Decreases	0	0	0	-36	0	0	-36	0	0
Total Base Adjustments	0	283	214,265	-36	0	244	-36	283	214,509
2014 Current Services	41,035	36,271	6,765,546	239	124	90,244	41,274	36,395	6,855,790
Program Changes									
Increases:									
Begin Activation: ADX USP Thomson, IL (2,100 beds)	1,158	290	43,700	0	0	0	1,158	290	43,700
Begin Activation: FCI Hazelton, WV (1,280 beds)	389	146	24,982	0	0	0	389	146	24,982
Begin Activation: USP Yazoo City, MS (1,216 beds)	416	104	28,421	0	0	0	416	104	28,421
Contract Bed Increase (1,000 x \$26,382)	4	2	26,232	0	0	0	4	2	26,232
Expand RDAP	120	60	15,000	0	0	0	120	60	15,000
Reentry and Recidivism Reducing Programs	0	0	28,000	0	0	0	0	0	28,000
Renovation of ADX USP Thomson, IL (2,100 beds)	0	0	0	2	15,000	0	2	15,000	0
Subtotal, Program Increases	2,087	602	166,335	0	2	15,000	2,087	604	181,335
Decreases:									
Program Offset - Administrative Efficiencies	0	0	-5,500	0	0	0	0	0	-5,500
Program Offset - BOP Medical Costs Adjustment (Medicare Rate)	0	0	-50,000	0	0	0	0	0	-50,000
Program Offset - Expand Sentence Credits for Inmates	0	0	-41,000	0	0	0	0	0	-41,000
Program Offset - IT Savings	0	0	-4,231	0	0	0	0	0	-4,231
Subtotal, Program Decreases	0	0	-100,731	0	0	0	0	0	-100,731
Total Program Changes	2,087	602	65,604	0	2	15,000	2,087	604	80,604
2014 Request	43,122	36,873	6,831,150	239	126	105,244	43,361	36,999	6,936,394
Rescission - BOP B&F	0	0	0	0	0	-30,000	0	0	-30,000

* The 2013 Continuing Resolution includes the 0.612% funding above current rate, provided by P.L. 112-175, sec. 101 (c).

** The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

FPS Salaries & Expenses
(Dollars in Thousands)

Comparison by activity and program	FY 2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Inmate Care & Programs	15,003	12,101	2,421,272	15,003	12,486	2,508,064
Institution Security and Administration	24,326	21,907	2,880,290	24,326	22,486	2,960,660
Contract Confinement	413	255	1,040,213	413	255	1,082,300
Management and Administration - BOP	1,293	1,044	209,506	1,293	1,044	214,522
Total	41,035	35,307	6,551,281	41,035	36,271	6,765,546
Reimbursable FTE	0	0	0	0	0	0
Grand Total	41,035	35,307	6,551,281	41,035	36,271	6,765,546

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Inmate Care & Programs	671	202	1,738	15,674	12,688	2,509,802
Institution Security and Administration	1,412	398	35,134	25,738	22,884	2,995,794
Contract Confinement	4	2	32,232	417	257	1,114,532
Management and Administration - BOP	0	0	-3,500	1,293	1,044	211,022
Total	2,087	602	65,604	43,122	36,873	6,831,150
Reimbursable FTE	0	0	0	0	0	0
Grand Total	2,087	602	65,604	43,122	36,873	6,831,150

FPS Buildings & Facilities
(Dollars in Thousands)

Comparison by activity and program	FY 2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
BOP Construction	134	115	23,035	98	60	23,096
Modernization and Repair	141	141	66,965	141	64	67,148
Total	275	256	90,000	239	124	90,244
Reimbursable FTE	0	0	0	0	0	0
Grand Total	275	256	90,000	239	124	90,244

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
BOP Construction	0	2	15,000	98	62	38,096
Modernization and Repair	0	0	0	141	64	67,148
Total	0	0	0	239	126	105,244
Reimbursable FTE	0	0	0	0	0	0
Grand Total	0	0	0	239	126	105,244



Office of Justice Programs (OJP)

FY 2014 Budget Request At A Glance

FY 2012 Enacted:	\$2,321.3 million (702 positions)
Current Services Adjustments:	+\$0.0 million
Program Changes:	\$31.9 million
FY 2014 Budget Request:	\$2,353.2 million (712 positions)
Change From FY 2012 Enacted:	\$31.9 million (+1.4 %)

Mission:

The mission of OJP is to increase public safety and improve the fair administration of justice across America through innovative leadership and programs. OJP strives to make the nation's criminal and juvenile justice systems more responsive to the needs of state, local, and tribal governments and their citizens. It does this by partnering with federal, state, and local agencies, as well as national, community- and faith-based organizations, to develop, operate, and evaluate a wide range of criminal and juvenile justice programs.

Resources:

The budget request for FY 2014 totals \$2,345.2 million, which is a 1.0% increase over the FY 2012 Enacted. A rescission of \$47.0 million in prior year balances is also proposed.

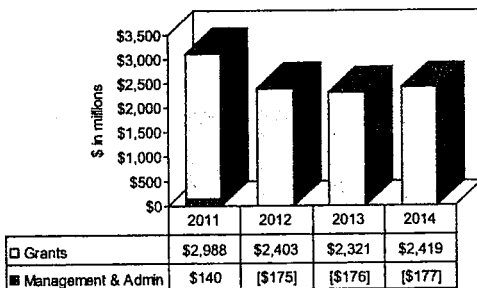
Organization:

OJP is headed by an Assistant Attorney General (AAG) who promotes coordination among OJP bureaus and offices. OJP has five component bureaus: the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Additionally, OJP has one program offices, the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART). The AAG is appointed by the President and confirmed by the Senate. All other OJP bureau heads are presidentially appointed.

Personnel:

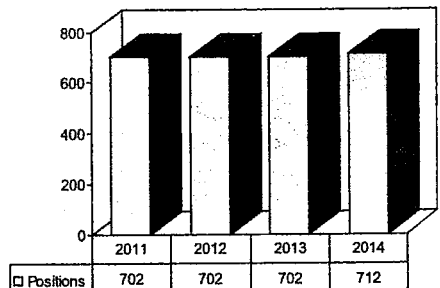
The OJP's authorized positions for FY 2014 total 712 positions, which is 10 positions above the FY 2012 enacted level. The increase of 10 positions will allow OJP to convert 10 existing contractor staff to federal employees.

Funding (FY 2011 - 2014)



Starting in FY 2012, M&A is funded from Grants

Personnel (FY 2011 - 2014)



FY 2014 Strategy:

Although OJP does not directly carry out law enforcement and justice activities, its role is to work in partnership with the justice community to identify the most pressing challenges confronting the justice system and provide high quality knowledge through innovative research and development.

OJP's top priorities include fighting violent crime, staying "smart on crime," reducing unnecessary confinement, preventing and treating youth violence, and responding to the needs of victims.

Crime and the ability to respond effectively to it continues to be a major challenge for many communities. OJP promotes multi-jurisdictional, multi-divisional, and multi-disciplinary programs and partnerships that increase the capacity of communities to prevent and control serious crime problems. The Byrne Justice Assistance Grants (JAG) and Byrne Criminal Justice Innovation Programs provide a flexible source of funding that helps state, local, and tribal governments address all forms of serious crime and promote evidence-based and "smart policing" strategies. The Byrne JAG program also supports the VALOR Initiative, which provides multi-level training to promote a culture of safety within state, local, and tribal law enforcement agencies that will help to save officers' lives by better preparing them for the violent situations they may face in the line of duty. The National Criminal History Improvement Program (NCHIP) provides resources to help states and territories to improve the quality, timeliness, and immediate accessibility of criminal history and related records for use by federal, state, and local law enforcement.

OJP is promoting innovation and the adoption of evidence-based practices throughout the nation's criminal justice systems through the Criminal Justice Reform and Recidivism Reduction/ Justice Reinvestment Initiative and the Smart Policing, Smart Prosecution, and Smart Probation programs (funded under the Byrne JAG and Second Chance Act Programs). OJP is also supporting the development and widespread adoption of evidence-based programs through the work of the National Institute of Justice and Bureau of Justice Statistics, its CrimeSolutions.gov web site, and a newly proposed program to support the work of the National Commission on Forensic Science.

Repeat offenders who cycle in and out of the justice system commit a significant portion of all crime and drive up the cost of operating justice agencies. These offenders often have risk factors such as mental health problems and substance abuse, limited education and literacy, inadequate job skills, and a lack of positive support systems that, if addressed, reduce the likelihood of re-offending. OJP promotes the development and implementation of evidence-based prisoner reentry programs that improve outcomes for offenders and reduce unnecessary confinement, which imposes significant social and economic costs on the American public without improving public safety. In addition to the Second Chance Act program (which supports reentry program implementation at the state, local, and tribal levels), OJP is committed to testing and developing new evidence based reentry strategies through the Hawaii Opportunity Probation with Enforcement (HOPE) Program and Problem Solving Justice Initiative, which supports the

development and expansion of drug, mental health, and other problem-solving courts. OJP is also requesting a substantial increase in funding for the Criminal Justice Reform and Recidivism Reduction/ Justice Reinvestment Initiative to promoting integration of reentry and other essential criminal justice reforms into state, local, and tribal criminal justice systems.

OJP is working to prevent and reduce youth involvement in gangs by addressing specific risk and protective factors associated with the likelihood of delinquent behavior and the needs and desires that underlie the decision to join a gang. The recidivism rate among juveniles following release from secure or other residential placement remains alarmingly high. OJP strives to strengthen the capability and capacity of our juvenile justice system to confront these challenges through prevention and intervention. OJP is working closely with its state, local and tribal partners through programs such as the National Forum on Youth Violence Prevention and the Defending Childhood/Children Exposed to Violence Program to develop innovative solutions that meet the needs of the nation's communities.

Assisting victims of crime and improving the way the nation's criminal justice system responds to victims' needs is another top priority for OJP. Through the Crime Victims Fund, OJP supports 53 crime victims compensation and services programs in every U.S. state, the District of Columbia, Puerto Rico, and the Virgin Islands, as well as over 4,500 victim assistance programs throughout the U.S. In FY 2014, OJP is requesting funding to begin implementing the Vision 21 strategy, a strategic plan which addresses the need for more victim-related data, research and program evaluation; holistic legal assistance for crime victims; resources for tribal victims; and capacity building to provide technology- and evidence-based training and technical assistance to help state, local, and tribal victims compensation and services programs meet the challenges of the 21st century.

FY 2014 Program Changes:

Research, Evaluation, and Statistics

Evaluation Clearinghouse

An increase of \$2.0 million for a total of \$3.0 million to expand OJP's CrimeTypeSolutions.gov website, that shapes rigorous research into a central, reliable, and credible resource to inform practitioners and policy makers about what works in criminal justice, juvenile justice, and crime victim services, and to help them integrate these findings into programmatic and policy decisions. The requested enhancement will be used for the review and incorporation of additional research, as well as the harmonization and integration of ratings of research from related clearinghouses. The site is a searchable online database of evidence-based programs covering a range of justice-related topics, including corrections, courts, crime prevention, substance abuse, juveniles, law enforcement, forensics, and victims. It includes information on more than 150 programs and assigns "evidence ratings" – effective, promising, or no effects -- to indicate whether the research proves that a program achieves its goals. The CrimeSolutions.gov website is part of the Evidence Integration Initiative (E2I) launched by OJP in 2009. The initiative's three goals are improving the quantity and quality of evidence OJP generates, integrating evidence into program, practice and policy decisions within OJP and

the field; and improving the translation of evidence into practice.

National Institute of Justice

An increase of \$4.5 million is requested for the National Institute of Justice (NIJ) for a total of \$44.5 million. The requested funds will support grants and agreements to build research knowledge and translate it into practice and policy to improve the justice system. NIJ's strategic plan for these funds centers on *translational research* to transform criminal justice practice and policy. NIJ's strategic plan for translational research has four essential components, each of which would be expanded with \$4.5 million of the enhancement requested: (1) generating knowledge; (2) building and sustaining the research infrastructure; (3) supporting the adoption of research evidence in practice and policy; and (4) innovative dissemination and communication. Together, they provide the means to reach the strategic goal of Translating Research into Policy and Practice (TRIPP). These four interlocking objectives build on NIJ's ongoing investments in social, physical, and forensic science and extend their impact by connecting the research more explicitly with effective criminal justice practice and policy.

Bureau of Justice Statistics

An increase of \$7.9 million is requested for a total of \$52.9 million for the Bureau of Justice Statistics (BJS). There is \$45.0 million in FY 2014 current services for this program. BJS's national data collections play an important role in providing statistical evidence needed for criminal justice policy decision makers. In particular, these programs provide the critical data infrastructure supporting the Administration's commitment to focus on data-driven, evidence- and information-based, "smart on crime" approaches to reduce crime. Requested funding will also allow BJS to explore the feasibility of statistical collections in important topical priority areas, including: recidivism and reentry, prosecution and adjudication, criminal justice data improvements and victimization statistics.

Research, Evaluation, and Statistics Set-Aside

In addition to the above-mentioned resources, the FY 2014 President's Budget proposes a two percent set-aside from OJP programs to augment Research, Evaluation and Statistics. This set-aside provides NIJ and BJS an important source of funding for building and enhancing basic statistical systems to monitor the criminal justice system and for conducting research to identify best practices within that system. To support the overall mission of generating evidence, OJP is proposing that there be an up to two percent set-aside for research, evaluation, and statistics, which is the same percentage as FY 2012. The FY 2014 request allows OJP the option of applying up to a two percent set-aside to the Crime Victims Fund in order to support crime victim-related research, statistics, and data collection activities. In FY 2014, this set-aside is expected to provide funding to support, among other things, evaluation of adult drug court programs, as well as statistical data collection and analysis on a variety of topics, including **\$2.0 million for a Gun Safety Technology Initiative** that will encourage the development of innovative gun safety technology. The enhancement supports the Administration's challenge to the private sector to develop innovative and cost-effective gun safety technology. The funding will provide prizes for those technologies that are proven to be reliable and effective.

Forensics Initiative

The FY 2014 President's Budget includes \$9 million for this initiative. This program will strengthen and enhance the practice of forensic sciences. Included within the \$9 million is \$1 million to support the Forensic Science Advisory Committee to be chaired by the Attorney General and the Director of the National Institute of Standards and Technology. Another \$3 million is for the National Institute of Standards and Technology for measurement science and standards in support of forensic science. The remaining \$5 million is for the National Science Foundation for a forensic science grant program, to be developed and administered in consultation with the National Institute of Justice, to establish forensic science research centers.

State and Local Law Enforcement

Byrne Justice Assistance Grants (JAG): An increase of \$25.0 million is requested for this program, for a total of \$395.0 million. The JAG Program provides states, localities and tribes with funding to support law enforcement, prosecution and courts, crime prevention, corrections, drug treatment and other important initiatives. Of this total, \$2.0 million will be used to continue the State and Local Antiterrorism Training Program, \$2.0 million will be used to fund the State and Local Assistance Help Desk and Diagnostic Center, \$15.0 million will be used to support the VALOR initiative, \$10.0 million will be used for Smart Policing Initiatives, \$5.0 million will fund Smart Prosecution Initiatives, and \$2.5 million will be used to fund non-partisan voter education about, and a plebiscite on, options that would resolve Puerto Rico's future political status.

The Preventing Violence Against Law Enforcement and Ensuring Officer Resilience and Survivability Initiative (VALOR) is designed to create alert, knowledgeable officers, as well as encourage supervisors and executives to focus on officer safety issues. Components of the program include data collection on specific safety issues, interviews with offenders and officers, assessment of threats, and case studies. This initiative also includes "after-action" reviews as a technical assistance service to law enforcement in the United States, as well as lessons learned and consultations. The goal of this initiative is reduced officer injuries and death, and OJP expects these efforts will reach thousands of front-line personnel, supervisors, and law enforcement executives. Funding for this program will be increased by \$13.0 million and will include initiatives to help law enforcement address incidents of active shooters.

The Smart Policing Initiative will assist in reducing and preventing crime and improving police-citizen communications and interactions. It will provide funding to local law enforcement agencies to develop effective and economical solutions to specific crime problems within their jurisdictions. Participating agencies and their research partners will identify crime issues through careful, rigorous analysis and develop strategies and tactics to resolve or mitigate the problem – resulting in smarter policing and safer neighborhoods.

The Smart Prosecution initiative will focus on data-driven, evidence-based, risk-analytic decision tools and practices to enhance prosecutorial decision-making, especially for non-violent offenders.

The FY 2014 base includes \$370.0 million for the JAG program.

Comprehensive Criminal Justice Reform and Recidivism Reduction also known as the Justice Reinvestment Initiative (JRI): The President's Budget requests \$85.0 million to establish this program. Funding would support state and local policymakers efforts to design policies that deter prison and jail expenditures by developing state-specific, data-driven policies that save taxpayer dollars and direct some of those savings to strategies that can make communities safer and stronger. The initiative is a major new investment in the evidence-based Justice Reinvestment strategy, which will help OJP's state, local and tribal partners identify ways to improve the availability of services that can reduce offenders' risk for recidivism, such as housing, substance abuse treatment, employment training, and positive social and family support for offenders returning to communities. Expanding its investment in this program is an essential part of OJP's efforts to help state, local, and tribal justice systems adjust to the nation's current economic climate and find ways to improve public safety while controlling the growing cost of criminal justice programs, especially the costs associated with jail and prison populations. There are no FY 2014 current services for this program.

Second Chance Act: An additional \$56.0 million is requested for this program, for a total of \$119.0 million. This program provides employment assistance, substance abuse treatment, housing, family programming, mentoring, victims support, and other services that can help reduce re-offending and violations of probation and parole. Of this amount, \$10.0 million will be used to improve probation and parole supervision efforts. A total of \$5.0 million is for Children of Incarcerated Parents Demonstrations to enhance and maintain parental and family relationships for incarcerated parents as a re-entry/recidivism reduction strategy. Up to \$40.0 million may be used for performance-based awards for Pay-for-Success projects, which engage social investors, the Federal government, and States or localities to collaboratively finance effective interventions. Up to \$10.0 million of that amount will be for Pay For Success Programs implementing the Permanent Supportive Housing Model. There is \$63.0 million in FY 2014 current services for this program.

Residential Substance Abuse Treatment (RSAT): An additional \$9.0 million is requested for this program, for a total of \$19.0 million. The RSAT formula grant program is a federally recognized one that helps state, local and tribal governments develop residential and aftercare services to substance involved inmates that research shows need but do not receive services in specialized settings. RSAT grantees must foster partnerships between correctional staff and the treatment community to create programs in secure settings that help offenders overcome their substance abuse problems and prepare for reentry into society. In any given year, approximately 30,000 participants are provided specialized residential substance and aftercare services designed to help them become substance abuse- and crime-free, develop skills to obtain adequate employment, and lead productive lives in the community. By focusing on an offenders involved in substance abuse in US prisons and jails, states are able to achieve cost efficiency while simultaneously addressing the treatment needs of an important subpopulation of offenders who are found to drive most jurisdictions' recidivism rates. Therefore, an increase in RSAT funding would enable states and units of local and tribal government to expand much needed substance abuse treatment services to a subpopulation of offenders that need it most, thereby reducing the treatment gap for such

individuals. There is \$10.0 million in FY 2014 current services for this program.

Problem-Solving Justice: The President's Budget requests \$44.0 million to provide policy development, training, technical assistance, and grant funding for jurisdictions to develop a continuum of responses to crime problems and offenders (particularly drug involved and mentally ill offenders), informed by science, that appropriately address offender risks and needs, and build on the success of the Drug Court program and other problem solving approaches. There are no FY 2014 current services.

HOPE Grants: The President's Budget requests \$10.0 million for this new nationwide initiative. The HOPE project is modeled after a successful court-based program initiated in 2004 called the Hawaii's Opportunity Probation with Enforcement (HOPE) program. The nationwide program will identify probationers with a high risk for re-offending, focusing on reducing drug use, new crimes, and incarceration. Offenders are deterred from using drugs and committing crimes by frequent and random drug tests, backed by swift and certain jail stays, along with treatment, when necessary. This funding will be used for replicating the use of "swift and certain" sanctions in probation at additional sites. There are no FY 2014 current services.

National Criminal History Improvement Program (NCHIP): An additional \$44.0 million is requested for this program, for a total of \$50.0 million in grants to improve the submission of state criminal and mental health records to NICS (to be funded through NCHIP) with a special emphasis on grants to states that will coordinate with their criminal and civil court systems to improve the submission of mental health records. At the same time, it is anticipated that Byrne Justice Assistance Grant penalties for states failing to achieve completeness in records submissions will begin to be applied. There is \$6.0 million in FY 2014 current services for this program.

Defending Childhood/Children Exposed to Violence Initiative: An additional \$13.0 million is requested for this program, for a total of \$23.0 million to fund demonstration sites and provide training and technical assistance, among other things. This initiative builds on what has been learned from past and current activities, and will both advance effective practices at the state, local, and tribal levels and increase our knowledge and understanding of the issue, leading to better, more coordinated and comprehensive policy responses. There is \$10 million in FY 2014 current services for this initiative.

Byrne Incentive Grants: The President's Budget requests \$40.0 million to establish this new initiative. This program will provide supplementary awards to states and localities using base formula grant funds for evidence-based purposes. These incentive grants will not be used to penalize or reduce formula funds for states and localities that decline to use funding for evidence-based purposes. Instead, the incentive grants will serve as inducements for states and localities to use formula funds (as well as state and local funds) to implement proven public safety strategies.

The program includes \$15.0 million for an incentive grant for states and localities that use a portion of JAG funding for strategies and interventions that have a strong evidence-base, and/or are promising and will be coupled with rigorous evaluation to determine their effectiveness. Pending the further build-out of CrimeSolutions.gov, the initial

implementation of these grants may use a fairly broad-based definition of evidence, drawing both from CrimeSolutions.gov and related clearinghouses.

This program also includes \$25.0 million for an incentive grant for states and localities using a portion of JAG funding for evidence-based, data-driven justice system realignment. System realignment aims to rebalance costly justice system responses with less costly alternatives that consider actual public safety risk balanced with the need for improved public safety outcomes. System realignment may include initiatives focused on specific segments of the criminal justice system or specific strategies designed to improve system equity. There are no FY 2014 current services for this new initiative.

Byrne Criminal Justice Innovation (BCJI) Program: An additional \$20.0 million is requested for this program, for a total of \$35.0 million. These resources are used to target neighborhoods that produce a significant proportion of crime or type of crime within the larger community or jurisdiction. Research shows that while the United States is at a 30-year crime low, there are still jurisdictions where crime is increasing or chronically high. These communities often face many challenges-- high poverty, unemployment and crime rates-- while also having limited infrastructure, schools and resources to support residents' needs. BCJI is a community-based strategy that aims to prevent and control violent crime, drug abuse and gang activity in designated high crime neighborhoods by providing funding to support partnerships between law enforcement agencies and community-based organizations that balance targeted enforcement with prevention, intervention, and neighborhood restoration services. The program models place- and evidence-based collaborative strategies for improving public safety, revitalizing neighborhoods, and forging partnerships with stakeholders at the federal, state, local, and tribal levels. By collaborating with Departments of Housing and Urban Development (HUD) and Education (ED), BCJI will support strategies to comprehensively address these needs. There is \$15.0 million in FY 2014 current services for this program.

Cybercrime and Intellectual Property Enforcement Program: An additional \$2.0 million is requested for this program, for a total of \$9.0 million to provide grants, training, and technical assistance to support efforts to combat economic, high-technology, and internet crimes, including the intellectual property crimes of counterfeiting and piracy. FY 2014 current services are \$7.0 million for this program.

Juvenile Justice

Part B Formula Grants the Juvenile Justice and Delinquency Prevention (JJDP) Act: An additional \$30.0 million is requested for this program, for a total of \$70.0 million. These resources fund the core program that supports state, local, and tribal efforts to develop and implement comprehensive state juvenile justice plans. The JJDP Act authorizes formula grant funding to support states' efforts to comply with four core requirements that protect youth who come into contact with the justice system and to improve their chances of a positive outcome if they do enter the system. These formula grant dollars fund programs that serve over 250,000 at-risk youth per year and allow appropriate youth to stay in their communities rather than face jail. If detaining the youth is necessary, these funds allow jails and lockups to keep youth safe while in custody. Funding also is available for training and technical assistance to help small, non-profit organizations, including faith-based

organizations, with the federal grants process. In addition, the Part B program has worked to improve the fairness and responsiveness of the juvenile justice system and increase accountability of the juvenile offender. There is \$40.0 million in FY 2014 current services for this program.

National Forum on Youth Violence Prevention: An additional \$2.0 million is requested for this program, for a total of \$4.0 million for this initiative. The forum was created for participating localities to share challenges and promising strategies with each other and to explore how federal agencies can better support local efforts to curb youth and gang violence. There is \$2.0 in FY 2014 current services for this program.

Community-Based Violence Prevention Initiatives: An additional \$17.0 million is requested for this program, for a total \$25.0 million to fund programs that adopt a comprehensive public health approach that investigates the causes of youth violence and implements a community-based strategy to prevent youth violence by addressing both the symptoms and causes of neighborhood violence. Of the total requested, at least \$12.5 million will be used to fund public health approaches to reducing shootings and violence. There is \$8.0 million in FY 2014 current services for this initiative.

Delinquency Prevention Program/Juvenile Justice and Education Collaboration Assistance (JJECA): The Delinquency Prevention Program (commonly referred to as Title V) will receive a \$36.0 million increase for a total of \$56.0 million. Of this total, \$20.0 million will be used for a new initiative aimed at reducing the use of arrest and juvenile justice courts as a response to non-serious youth misbehaving. This program will operate in concert with Department of Education School Climate Transformation Grants and other initiatives focused on improving school safety and climate. JJECA will provide competitive supplemental grants to police and juvenile justice authorities in those communities applying for Education's School Climate Transformation Grants (SCTG) to collaborate on use of evidence-based positive behavior strategies. Grants may be used to establish and implement community partnerships between schools, police, and the juvenile justice system. There are \$20.0 million in current services for the Delinquency Prevention Program.

Competitive Grants Focusing on Girls in the Juvenile Justice System: The President's Budget requests \$2.0 million for a new program that will provide competitive demonstration grants focusing on girls in the juvenile justice system through responses and strategies that consider gender and the special needs of girls. There are no FY 2014 current services for this program.

Juvenile Justice Realignment Incentive Grants: The President's Budget requests \$20.0 million for a new initiative to provide incentive grants to assist states that use JABG funds for evidence-based juvenile justice system realignment to foster better outcomes for system-involved youth, less costly use of incarceration, and increased public safety. Among the related models for realignment that may be supported are: MacArthur Foundation's Models for Change initiative; the Burns Institute's and Center for Children's Law and Policy's data-driven, consensus-based approaches for reducing disproportionate minority involvement in the juvenile justice system; and the Georgetown University Juvenile Justice System Improvement Project's research-based, targeted approach to introducing risk assessment in

partnership with a matrix of evidence-based responses to juvenile offenders. Incentivizing JABG grants for such use would shift the focus of the program to system accountability with an evidence-based focus. There are no FY 2014 current services for this program.

Children of Incarcerated Parents (COIP) Web Portal: The President's Budget requests \$500,000 for the development and implementation of a web portal that would consolidate information regarding federal resources, grant opportunities, best and promising practices, and ongoing government initiatives that address and support children of incarcerated parents and their caregivers. There are no FY 2014 current services for this program.

Missing and Exploited Children's (MEC) Program: \$2.0 million increase for a total of \$67.0 million. The MEC program is the primary vehicle for building an infrastructure to support the national effort to prevent the abduction and exploitation of our nation's children. This request for additional funding will assist OJJDP in providing much needed support and assistance, including training and technical assistance to the field. Given the technological advancements that occur every day, it is vital that OJJDP continuously provide training and technical assistance to our law enforcement partners to help ensure they are well-informed and remain abreast of the most current trends. There is \$65.0 million in 2014 current services for this initiative.

Mandatory Programs

Crime Victims Fund: The President's Budget requests an increase of \$95.0 million for the Crime Victims Fund, for a total of \$800.0 million. Included within this total are \$10.0 million to establish a program to help domestic trafficking victims, \$20.0 million for a Vision 21 grant program to assist tribal victims of violence, and \$25.0 million for Vision 21. Vision 21 will fund initiatives that will address the need for more victim-related data, research and program evaluation; holistic legal assistance for crime victims; resources for tribal victims; support of national hot lines, on-line, and other programs that serve American crime victims at the national and international level; and capacity building to provide technology- and evidence-based training and technical assistance. The FY 2014 current services for the Crime Victims Fund is \$705.0 million.

Public Safety Officers' Program (PSOB): An increase of \$3.0 million is requested for this program, for a total of \$65.0 million in mandatory funding for the death benefits program. There is \$62.0 million in FY 2014 current services for this program.

Offsetting decreases are included for the following programs: State Criminal Alien Assistance Program (SCAAP) (\$240.0 million program reduction), Presidential Nominating Conventions (\$100.0 million program elimination), Border Prosecution Initiative (\$10.0 million program elimination), Drug Court Program (\$35.0 million program merge), Mentally Ill Offender Program (\$9.0 million program merge), Prison Rape Prevention and Prosecution Program (\$2.0 million program decrease), Missing Alzheimer's (\$1.0 million program elimination), Capital Litigation Improvement Program (\$1.0 million program reduction), Indian Assistance (\$38.0 million), Court Appointed Special Advocate (\$4.5 million program elimination), DNA Initiative (\$25.0 million), John R Justice (\$4.0 million program elimination), Coverdell Grants (\$12.0 million program elimination), Bulletproof Vests (\$24 million, temporary one year pause in appropriations to spend unobligated balances), Youth Mentoring (\$20.0 million program decrease), Child Abuse Training for Judicial Personnel (\$1.5 million program elimination), and Improving the Investigation and Prosecution of Child Abuse (\$18.0 million program elimination).

Indian Country Programs: The FY 2014 President's Budget proposes to set aside 7 percent of grant funding for Indian Country rather than funding specific programs.

Child Abuse and Protection Programs: The Title V Program may fund the activities previously supported under the Court Appointed Special Advocates, Child Abuse Training for Judicial Personnel, and Victims of Child Abuse Programs proposed for elimination.

Drug Courts and Mentally Ill Offender Program: These activities will be supported under the new Problem-Solving Justice Initiative.

Rescission: The budget proposes to rescind \$47.0 million in prior year balances.



Community Oriented Policing Services (COPS)

FY 2014 Budget Request At A Glance

FY 2012 Enacted:	\$198.5 million (188 positions)
Current Services Adjustments:	+\$0.0 million
Program Changes:	+\$241.0 million
FY 2014 Budget Request:	\$439.5 million (188 positions)
Change From FY 2012 Enacted:	+\$241.0 million (+121.0%)

Mission:

The mission of the COPS Office is to advance public safety through the practice of community policing. By addressing the root causes of criminal and disorderly behavior, rather than simply responding to crimes once they have been committed, community policing concentrates on preventing both crime and the atmosphere of fear it creates. Additionally, community policing encourages the use of operational strategies and the development of mutually beneficial relationships between law enforcement and the community. By earning the trust of the members of their communities and making those individuals stakeholders in their own safety, law enforcement can better understand and address the community's needs, and the factors that contribute to crime.

Resources:

The budget request for FY 2014 totals \$439.5 million, which is a 121.4 % increase over the FY 2012 enacted. A rescission of \$14.0 million in prior year balances is also proposed.

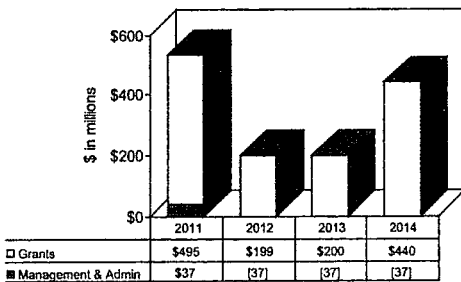
Organization:

The COPS Office is headed by a Director, who is appointed by the Attorney General. The COPS Office was established in 1994 to assist law enforcement agencies in enhancing public safety through the implementation of community policing strategies.

Personnel:

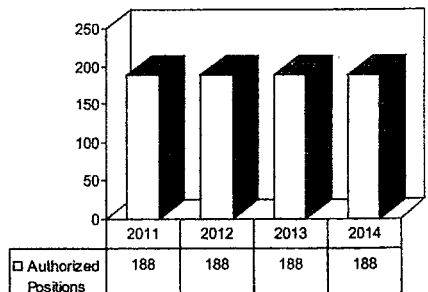
The COPS' direct authorized positions for FY 2014 total 188 positions, which is the same as the FY 2012 enacted level.

Funding (FY 2011 - 2014)



Starting in FY 2012, M&A is funded from Grants

Personnel (FY 2011 - 2014)



FY 2014 Strategy:

Over the past decade, the programs and initiatives developed by the COPS Office have provided funding to more than 13,000 of the nation's 18,000 law enforcement agencies. Approximately 81% of the Nation's population is served by law enforcement agencies practicing community policing. To date the COPS Office has funded over 124,600 officers. With funding from the American Recovery and Reinvestment Act, the COPS Office ensured that over 6,000 additional law enforcement officer jobs will be created or saved in law enforcement agencies across the country. The total number of officers that the COPS Office funded in FY 2009 through 2012 was more than 8,118 between its hiring programs and tribal law enforcement programs.

More than 500,000 law enforcement personnel and community members have been trained on community policing topics including crime control strategies, police ethics and integrity, terrorism prevention and preparedness, school safety, partnership building, problem-solving and crime analysis.

In FY 2014, the COPS Office will continue to fulfill its mission of advancing the practice of community policing by:

- Funding additional officers and giving preference to law enforcement agencies planning to hire school resource officers and post-9/11 veterans;
- Implementing a comprehensive school safety program comprised of funding for the hiring of school safety personnel, training, technical assistance, and school safety equipment and systems;
- Continuing to support innovative programs that respond directly to the emerging needs of state, local, and tribal law enforcement in order to shift law enforcement's focus to preventing, rather than reacting to crime and disorder within their communities;
- Developing state-of-the-art training and technical assistance to enhance law enforcement officers' problem-solving and community interaction skills;
- Promoting collaboration between law enforcement and community members to develop innovative initiatives to prevent crime;
- Providing responsive, cost-effective service delivery to the COPS Office's grantees to ensure success in advancing community policing strategies within their communities; and
- Supporting evidence-based community policing practices that have proven to be effective, can be easily replicated by a broad cross-section of law enforcement agencies, and are sustainable.

FY 2014 Program Changes:

COPS Hiring: \$91.1 million for a total of \$257.1 million for this program, which will be used to fund officers and thereby support the efforts of state, local, and tribal law enforcement agencies in meeting the challenge of keeping their communities safe. Within this amount, \$15.0 million will be dedicated specifically towards hiring of tribal law enforcement officers, \$15.0 million will be for community policing development activities, and \$10 million will support the COPS Collaborative Reform Model of technical assistance to assist law enforcement agencies with significant law enforcement-related issues. The request also includes a legislative proposal that would allow up to 5% of COPS Hiring Program (CHP) funds to be awarded at the discretion of the Department of Justice for priority initiatives. In FY 2013, the COPS Office proposes an elimination of the requirement that 50% of COPS Hiring Program funds be awarded to law enforcement agencies that serve populations of 150,000 or greater, and that 50% of the funds be awarded to agencies serving populations of 150,000 or fewer. The elimination of this requirement will allow for increased flexibility in addressing hiring needs through the U.S. law enforcement community. The FY 2013 President's Budget included this request for the COPS Hiring Program; the FY 2014 President's Budget includes the same request but in a different amount. FY 2014 current services resources for this initiative is \$166.0 million.

Comprehensive School Safety: \$150 million for the COPS Comprehensive School Safety Program, comprised of grants and technical assistance to help develop school safety plans, improve equipment and systems needed to provide for enhanced school safety, and hire school safety personnel. Funding is available for the hiring of school safety personnel, including school resource officers, civilian public safety officers, school psychologists, social workers, and counselors. This program will be run with assistance from the Department of Education (and with flexible transfer authority), with the purpose of supporting demand-driven grants, with allocations of funding for specific types of personnel driven by local needs and the quality of plans. Funding may also be used to support training for personnel hired to ensure that their presence in the schools does not lead to unnecessarily harsh discipline and arrests for youth misbehaving, and that they will support other school personnel in implementing evidence-based positive behavior strategies. There are no FY 2014 current services for this initiative.

Research: The FY 2014 request includes a new proposal to set-aside up to 2 percent of funds for research, evaluation and statistical purposes, including an evaluation of COPS-funded school resource officers and studies that evaluate the impact of advancing public safety through community policing.

Rescission: The budget proposes to rescind \$14.0 million in prior year balances.



Office on Violence Against Women (OVW)

FY 2014 Budget Request At A Glance

FY 2012 Enacted:	\$412.5 million (70 positions)
Current Services Adjustments:	+\$0.0 million
Program Changes:	-\$0.0 million
FY 2014 Budget Request:	\$412.5 million (70 positions)
Change From FY 2012 Enacted:	+\$0.0 million (+0%)

Mission:

The mission of the OVW is to provide federal leadership to reduce violence against women, and to support the administration of justice for and strengthen services to all victims of domestic violence, dating violence, sexual assault, and stalking. This is accomplished by developing and supporting the capacity of state, local, tribal, and non-profit entities involved in responding to violence against women.

Resources:

The budget request for FY 2014 totals \$412.5 million, which is the same as the FY 2012 enacted. Of this amount, all \$412.5 million is requested under the OVW appropriation. The request also includes a \$6.2 million rescission of prior year balances.

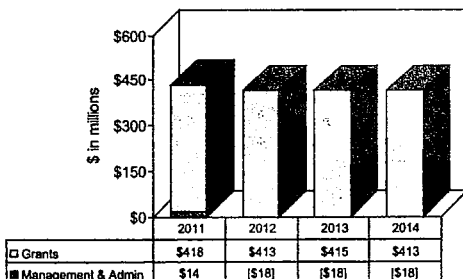
Organization:

OVW is headed by a Director, who is appointed by the President and confirmed by the Senate. The Director oversees a Criminal Justice Division, Community Division, Policy Analysis Division and Administration Division.

Personnel:

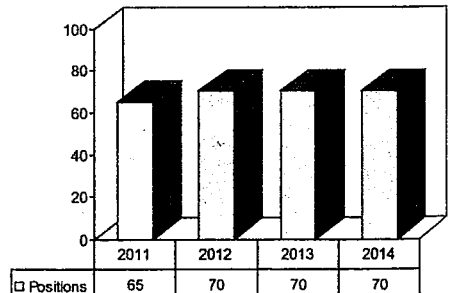
The OVW's direct authorized positions for FY 2014 total 70 positions, which is the same as the FY 2012 enacted.

Funding (FY 2011 - 2014)



Starting in FY 2012, M&A is funded from Grants

Personnel (FY 2011 - 2014)



FY 2014 Strategy:

The OVW was created specifically to implement the Violence Against Women Act (VAWA) and subsequent legislation. OVW administers financial and technical assistance to communities around the country to facilitate the creation of programs, policies, and practices aimed at ending domestic violence, dating violence, sexual assault, and stalking.

In recognition of the severity of the crimes associated with domestic violence, sexual assault, and stalking, Congress passed the Violence Against Women Act of 1994 (VAWA 1994) as part of the Violent Crime Control and Law Enforcement Act of 1994. VAWA is a comprehensive legislative package designed to end violence against women and was reauthorized in 2000, 2005, and was again reauthorized in March 2013. The legislative history of VAWA indicates that Congress seeks to remedy the legacy of laws and social norms that serve to justify violence against women. Since the passage of VAWA, there has been a paradigm shift in how the issue of violence against women is addressed.

VAWA was designed to improve criminal justice responses to domestic violence, sexual assault, and stalking and to increase the availability of services for victims of these crimes. VAWA requires a coordinated community response to domestic violence, sexual assault, and stalking, encouraging jurisdictions to bring together players from diverse backgrounds to share information and to use their distinct roles to improve community responses to violence against women. These players include, but are not limited to: victim advocates, police officers, prosecutors, judges, probation and corrections officials, health care professionals, leaders within faith communities, and survivors of violence against women. The federal law takes a comprehensive approach to violence against women by combining tough new penalties to prosecute offenders while implementing programs to aid the victims of such violence. By working together, a system can be created to keep victims safe and hold offenders accountable. OVW has instituted this philosophy at all levels of its work.

Overall, the budget reflects a focus on areas core to the mission of OVW. Five priorities guided the FY 2014 budget request of the Office: 1) supporting essential services for victims in light of the economic strain on communities across the country; 2) reducing sexual assault; 3) increasing court responsiveness to children exposed to violence and their families; 4) reaching underserved communities; and 5) ensuring meaningful evaluation of programs and implementation of evidence-based practices.

FY 2014 Program Changes:

Safe Havens/Court Training Consolidation: \$16 million to consolidate the existing Safe Havens/Supervised Visitation Program with the Courts Program to create a program that provides comprehensive support to victims of domestic violence and their families in the civil justice system. There are no current services funding for this program.

Rural Program: \$3.5 million to enhance the safety of children, youth, and adults who are victims of domestic violence, dating violence, sexual assault, and stalking by supporting projects uniquely designed to address and prevent these crimes in rural jurisdictions. FY 2014 current services for this initiative are \$34 million.

Program Offset – Safe Havens Program: -\$11.5 million to consolidate funding in the new Enhancing Safety for Victims and their Children in Family Law Matters Program.

Program Offset – Court Training Program: -\$4.5 million to consolidate funding in the new Enhancing Safety for Victims and their Children in Family Law Matters Program.

Offsetting Decreases include funding for Transitional Housing (\$3 million) and National Resource Center on Workplace Response (\$0.5 million)

Rescission: Additionally, the budget proposes to rescind \$6.2 million in prior year balances.



Fees and Expenses of Witnesses (FEW)

FY 2014 Budget Request At A Glance

FY 2012 Enacted:	\$270.0 million
Current Services Adjustments:	+\$0
Program Changes:	+\$0
FY 2014 Budget Request:	\$270.0 million
Change From FY 2012 Enacted:	+\$0

Mission:

The mission of the FEW appropriation is to provide funding for all fees and expenses associated with the provision of testimony on behalf of the Federal Government. Funding is also provided to pay for private and foreign counsel.

Resources:

The FY 2014 budget request for FEW totals \$270.0 million, which is the same as the 2012 Enacted.

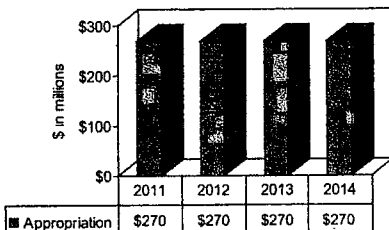
Organization:

The FEW Appropriation is centrally managed by the Justice Management Division's Budget Staff, and funds are allocated to the General Legal Activities and the Executive Office for U.S. Attorneys for administration of expert witnesses that provide technical or scientific testimony and are compensated based on negotiations with the respective federal government attorney. Also, funds are provided for fact witnesses who testify to events or facts of personal knowledge, and witnesses are paid statutorily a rate of \$40 per day plus travel and other costs associated with their appearance. Additionally, funds are provided for the Protection of Witnesses for the security of government witnesses or potential government witnesses, and their families when their testimony, concerning organized criminal activity, may jeopardize their personal security.

Personnel:

There are no authorized positions associated with this appropriation.

Funding (FY 2011 - 2014)



FY 2014 Strategy:

The FEW appropriation provides adequate funding of fees and related expenses incurred by individuals who provide factual, technical or scientific testimony on behalf of the United States or court designated indigent individuals, as provided by law. Funds provided for this activity also guarantee the rights of accused persons to a fair and impartial trial by ensuring that the accused is mentally competent to stand trial and that the courts have testimony regarding the mental competency of the accused at the time of the alleged offense.

FEW also provides the court-attendance fee paid to fact witnesses set by law (28 U.S.C. §1821). As a result of Public law 96-346 (September 10, 1980), the amounts authorized for travel, per diem and mileage are set by regulation governing official travel by federal employees.

The procedure for designation of a person as a protected witness is set forth in Department of Justice Offices, Boards and Divisions Order 2110.2 "Witness Protection and Maintenance Policy and Procedures." This Order places with the United States Marshals Service the responsibility for the security of these witnesses and their families.

The Victim Compensation Fund provides resources to compensate individuals who are victimized by protected witnesses. The Fund was initially funded by the 1985 Supplemental Appropriations Act (P. L. 99-88).

The Private Counsel activity provides funding to retain outside counsel to represent Government officers and employees who are sued for actions taken while performing their official duties. Per 28 C.F.R. 50.15 and 50.16, the Civil Division is delegated the authority to retain such counsel.

The Superior Court activity provides funding for the protective services offered to the District of Columbia Superior Court witnesses.

The Alternative Dispute Resolution activity encompasses a wide range of problem-solving and conflict management techniques including mediation, early neutral evaluation, arbitration and mini-trials.

The Foreign Counsel activity provides funding to allow the Department to retain outside counsel to represent Government officers and employees who are sued in a foreign country while performing their official duties. As provided under 28 C.F.R. §0.46, the Civil Division is delegated the authority to retain such counsel and provided that payment for such services will be payable from the Department's appropriations.

FY 2014 Program Changes:

Program Increase - USMS Alternative Safe Site and Orientation Center: [\$6.0 million] and 0 positions

The USMS has identified and highlighted operational security risks relating to the integrity, security, and location identity of the Witness Security Program's sole orientation center which has existed since the 1980s. Phased construction of a new alternative safe site and orientation center will be completely funded through existing FEW resources in order to ensure the continued continuity of security within the Witness Security Program. USMS's FY 2014 current services for the protection of witnesses are 0 positions and \$38.8 million.

Fees and Expenses of Witnesses
(Dollars in Thousands)

	Fees and Expenses of Witnesses		
	Pos	FTE	Amount
2012 Appropriation	0	0	270,000
2013 Continuing Resolution	0	0	270,000
2014 Request	0	0	270,000
Change 2014 from 2012 Enacted	0	0	0
Technical Adjustments			
Total Technical Adjustments	0	0	0
Base Adjustments			
Total Base Adjustments	0	0	0
2014 Current Services	0	0	270,000
Program Changes			
Increases:			
USMS Alternative Safe Site and Orientation Center	0	0	[6,000]
Subtotal, Program Increases	0	0	[6,000]
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	0	0	[6,000]
2014 Request	0	0	270,000

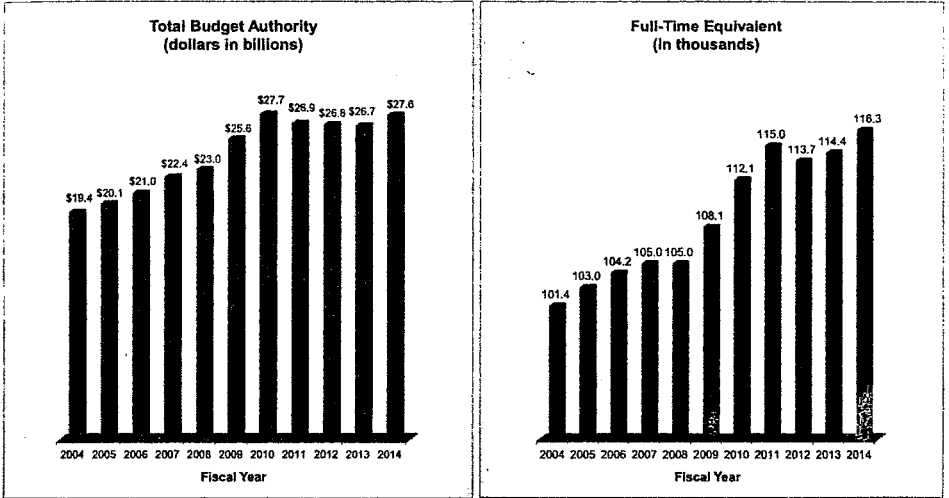
Fees and Expenses of Witnesses
(Dollars in Thousands)

Comparison by activity and program	2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Fees and Expenses of Witnesses	0	0	270,000	0	0	270,000
Total	0	0	270,000	0	0	270,000
Reimbursable FTE	0	0	0	0	0	0
Grand Total	0	0	270,000	0	0	270,000

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Fees and Expenses of Witnesses	0	0	0	0	0	270,000
Total	0	0	0	0	0	270,000
Reimbursable FTE	0	0	0	0	0	0
Grand Total	0	0	0	0	0	270,000

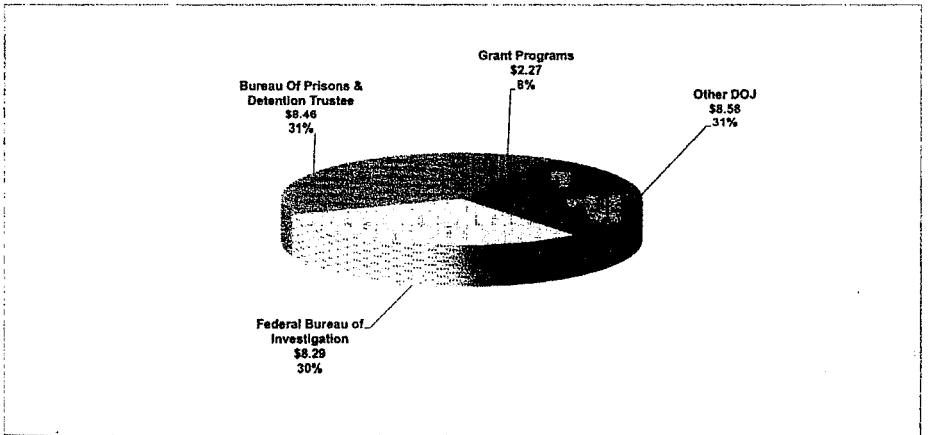
III. Resource Tables

Department of Justice
Total Discretionary Budget Authority and Full-Time Equivalent
FY 2004 - FY 2014



Includes transfers to the Department of Homeland Security and from the Department of Treasury (2003 and 2004). Budget Authority includes only discretionary funding. Also excluded are rescissions associated with the Crime Victims Fund, and the Assets Forfeiture Fund.

2014 Discretionary Budget Authority by Organization
Discretionary Budget Authority: \$27.6 billion
(dollars in billions)



Scorekeeping credits totaling \$11.3 billion are excluded in this pie chart.

Other DOJ includes: General Administration, National Drug Intelligence Center, Justice Information Sharing Technology, Law Enforcement Wireless Communication, Administrative Review and Appeals, U.S. Parole Commission, Office of the Inspector General, Working Capital Fund, National Security Division, General Legal Activities, Antitrust (net), United States Attorneys, U.S. Trustees (net), Foreign Claims Settlement Commission, U.S. Marshals Service, Community Relations Service, Interagency Crime and Drug Enforcement, Assets Forfeiture Fund, Drug Enforcement Administration, and the Bureau of Alcohol, Tobacco, Firearms & Explosives.

DEPARTMENT OF JUSTICE
FY 2014 REQUEST COMPARED WITH FY 2012 ACTUAL OBLIGATIONS AND FY 2013 CONTINUING RESOLUTION
(DOLLARS IN THOUSANDS)

APPROPRIATION	FY 2012 ACTUAL OBLIGATIONS			FY 2013 CONTINUING RESOLUTION 1/		FY 2014 REQUEST	
	FTE *	FTE-R	AMOUNT	FTE Estimate *	AMOUNT	FTE Estimate *	AMOUNT
GENERAL ADMINISTRATION	500	77	106,950	559	111,500	565	126,208
NATIONAL DRUG INTELLIGENCE CENTER	104	0	18,613	0	20,122	0	0
JUSTICE INFORMATION SHARING TECHNOLOGY	54	0	50,386	54	44,578	59	25,842
DETENTION TRUSTEE	21	0	1,598,857	19	1,590,268	0	0
LAW ENFORCEMENT WIRELESS COMMUNICATIONS	20	0	116,495	5	87,532	0	0
ADMINISTRATIVE REVIEW & APPEALS	1,449	0	304,417	1,373	306,842	1,482	333,147
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW	1,435	0	297,981	1,359	300,100	1,464	325,569
Transfer from Immigration Fees Account	0	0	4,000	0	4,000	0	4,000
OFFICE OF THE PARDON ATTORNEY	14	0	2,436	14	2,742	18	3,578
OFFICE OF THE INSPECTOR GENERAL	442	23	84,595	454	84,714	452	85,845
WORKING CAPITAL FUND	0	550	1,362,146	557	-40,000	557	-30,000
U.S. PAROLE COMMISSION	74	0	12,690	74	12,912	74	13,021
NATIONAL SECURITY DIVISION	298	0	96,840	304	87,532	325	96,240
GENERAL LEGAL ACTIVITIES	3,862	520	873,918	4,268	868,652	4,367	902,605
VACCINE INJURY COMPENSATION TRUST FUND	0	[41]	[7,833]	[41]	[7,833]	[41]	[7,833]
ANTITRUST	407	298	72,108	676	160,564	676	160,410
U.S. ATTORNEYS	9,702	1,554	1,945,360	11,356	1,971,995	11,483	2,007,717
U.S. TRUSTEES	1,216	0	226,190	1,202	224,624	1,202	225,728
FOREIGN CLAIMS SETTLEMENT COMMISSION	9	0	1,921	9	2,012	9	2,218
U.S. MARSHALS SERVICE	5,181	390	1,192,430	5,508	1,194,077	5,535	2,757,371
SALARIES & EXPENSES *	5,181	390	1,177,647	5,508	1,181,185	5,516	1,204,033
Rescission from Balances	0	0	-2,200	0	-2,200	0	-12,200
CONSTRUCTION	0	0	16,983	0	15,092	0	10,000
FEDERAL PRISONER DETENTION	[21]	0	[1,598,857]	[19]	[1,590,268]	19	1,635,538
Rescission from Balances	0	0	0	0	0	0	-80,000
COMMUNITY RELATIONS SERVICE	45	0	11,032	44	11,526	48	12,464
ASSETS FORFEITURE FUND CURRENT BUDGET AUTHORITY	0	0	19,505	0	21,076	0	20,948
INTERAGENCY CRIME & DRUG ENFORCEMENT	22	0	521,334	22	530,740	22	523,037
INTERAGENCY CRIME & DRUG ENFORCEMENT FTE	22	0	0	22	0	22	0
INTERAGENCY CRIME & DRUG ENFORCEMENT S&E	[3,277]	0	521,334	[3,277]	530,740	[3,133]	523,037
FEDERAL BUREAU OF INVESTIGATION	32,381	3,138	8,196,859	35,957	8,167,655	36,442	8,292,669
SALARIES & EXPENSES	32,381	3,138	8,092,117	35,957	8,086,177	36,442	8,361,687
Rescission from Balances	0	0	0	0	0	0	-150,000
CONSTRUCTION	0	0	104,742	0	81,478	0	80,982
DRUG ENFORCEMENT ADMINISTRATION	6,968	1,353	2,140,350	8,320	2,037,393	8,292	2,057,952
SALARIES & EXPENSES	6,968	1,353	2,140,350	8,320	2,037,393	8,292	2,067,952
Rescission from Balances	0	0	-10,000	0	-10,000	0	-10,000
CONSTRUCTION	0	0	10,000	0	10,061	0	0
BUREAU OF ALCOHOL, TOBACCO, FIREARMS & EXPLOSIVES	4,772	57	1,165,831	4,803	1,159,050	4,931	1,217,118
SALARIES & EXPENSES	4,772	57	1,165,271	4,803	1,159,050	4,931	1,229,518
Rescission from Balances	0	0	0	0	0	0	-12,400
CONSTRUCTION	0	0	560	0	0	0	0
FEDERAL PRISON SYSTEM	35,443	0	6,551,484	36,112	6,636,926	36,999	6,906,384
SALARIES AND EXPENSES	35,307	0	6,468,424	35,988	6,591,375	36,873	6,831,150
BUILDINGS AND FACILITIES	136	0	128,060	124	90,551	126	105,244
Rescission from Balances	0	0	-45,000	0	-45,000	0	-30,000
COMMISSARY FUND	0	674	0	675	0	729	0
FEDERAL PRISON INDUSTRIES (Inclusion on admin expenses)	0	1,213	0	1,147	2,700	1,147	2,700
SUBTOTAL, DISCRETIONARY w/o State and Local	102,970	9,847	26,670,311	113,498	25,295,051	115,396	25,739,634

* Includes 121 FTE from Justice Prisoner and Alien Transportation Service (JPATS)

DEPARTMENT OF JUSTICE
FY 2014 REQUEST COMPARED WITH FY 2012 ACTUAL OBLIGATIONS AND FY 2013 CONTINUING RESOLUTION
(DOLLARS IN THOUSANDS)

APPROPRIATION	FY 2012 ACTUAL OBLIGATIONS			FY 2013 CONTINUING RESOLUTION 1/		FY 2014 REQUEST	
	FTE *	FTE-R	AMOUNT	FTE Estimate	AMOUNT	FTE Estimate	AMOUNT
DISCRETIONARY GRANT PROGRAMS	814	0	1,895,768	787	2,084,949	797	2,273,000
OFFICE OF JUSTICE PROGRAMS	628	0	1,378,866	601	1,508,814	611	1,441,200
JUSTICE ASSISTANCE	0	0	118,903	0	113,692	0	134,400
OJP Salaries and Expenses	628	0	(176,546)	601	(175,056)	611	0
JUVENILE JUSTICE PROGRAMS	0	0	236,107	0	264,107	0	332,500
STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE	0	0	1,066,691	0	1,169,615	0	1,005,000
PUBLIC SAFETY OFFICERS' BENEFITS (Discretionary)	0	0	12,165	0	16,400	0	16,300
OJP-wide rescission	0	0	-55,000	0	-55,000	0	-47,000
COMMUNITY ORIENTED POLICING SERVICES	128	0	126,264	128	176,110	128	425,500
COMMUNITY ORIENTED POLICING SERVICES	0	0	149,869	0	199,715	0	439,500
Minus: Rescissions from Balances	0	0	-23,605	0	-23,605	0	-14,000
COPS Salaries and Expenses	128	0	(35,447)	128	(37,004)	128	0
OFFICE ON VIOLENCE AGAINST WOMEN	58	0	390,638	58	400,025	58	406,300
OFFICE ON VIOLENCE AGAINST WOMEN	0	0	405,638	0	415,025	0	412,500
Minus: Rescissions from Balances	0	0	-15,000	0	-15,000	0	-6,200
OVW Salaries and Expenses	58	0	(18,106)	58	(18,186)	58	0
SUBTOTAL, DISCRETIONARY AUTHORITY	103,784	9,847	28,566,079	114,285	27,380,000	116,193	28,012,634
FEE COLLECTIONS							
OFFSET from ANTITRUST PRE-MERGER FILING FEE	0	0	-87,544	0	-117,500	0	-102,300
OFFSET from US TRUSTEE FEES & INTEREST ON US SECURITIES	0	0	-223,258	0	-217,862	0	-261,490
SUBTOTAL, FEE COLLECTIONS	0	0	-310,802	0	-335,362	0	-363,790
TOTAL, DISCRETIONARY BUDGET AUTHORITY WITH FEES	103,784	9,847	28,255,277	114,285	27,044,638	116,193	27,648,844
SCOREKEEPING CREDITS:							
CRIME VICTIMS FUND	0	0	(-7,878,000)	0	(-7,878,000)	0	-10,631,000
ASSETS FORFEITURE FUND	0	0	(-675,000)	0	(-675,000)	0	-675,000
SUBTOTAL, DISCRETIONARY CREDITS	0	0	(-8,553,000)	0	(-8,553,000)	0	-11,306,000
SUBTOTAL, DISCR WITH FEES AND SCOREKEEPING CREDITS	103,784	9,847	28,255,277	114,285	27,044,638	116,193	16,342,844
MANDATORY AND OTHER ACCOUNTS:							
FEES AND EXPENSES OF WITNESSES	0	0	223,781	0	270,000	0	270,000
INDEPENDENT COUNSEL	0	0	0	0	500	0	500
RADIATION EXPOSURE COMPENSATION TRUST FUND	0	0	80,856	0	94,000	0	82,000
PUBLIC SAFETY OFFICERS DEATH BENEFITS (Mandatory)	0	0	79,988	0	62,000	0	65,000
ASSETS FORFEITURE FUND (Perm Budget Auth)	20	0	4,468,092	22	1,403,052	22	1,556,996
ANTITRUST PRE-MERGER FILING FEE COLLECTIONS	0	0	87,544	0	117,500	0	102,300
U.S. TRUSTEES FEE COLLECTIONS	0	0	223,258	0	217,862	0	261,490
CRIMINAL JUSTICE INFORMATION SERVICES (FBI)	(1,257)	0	0	(1,257)	433,000	(1,257)	433,000
DEA - DIVERSION CONTROL FEE	1,335	0	293,997	1,347	351,937	1,347	360,917
9/11 VICTIM COMPENSATION FUND	0	0	9,282	0	322,000	0	200,000
CRIME VICTIMS FUND	0	0	656,755	0	705,000	0	800,000
SUBTOTAL, MANDATORY AND OTHER ACCOUNTS	1,355	0	6,123,553	1,369	3,976,851	1,369	4,132,203
TOTAL BA, DISCR & MANDATORY, DEPT. OF JUSTICE	105,139	9,847	34,378,830	115,654	31,021,489	117,562	20,475,047
HEALTH CARE FRAUD REIMBURSEMENTS							
HCFAC MANDATORY REIMBURSEMENT	(N/A)	0	60,702	(N/A)	61,225	(N/A)	135,354
FBI-HEALTH CARE FRAUD - Mandatory	(776)	0	136,105	(776)	131,872	(776)	137,872
HCFAC DISCRETIONARY REIMBURSEMENT	0	0	28,581	0	29,789	0	29,789
SUBTOTAL, HEALTH FRAUD REIMBURSEMENTS	0	0	225,388	0	222,886	0	303,015
TOTAL, DEPARTMENT OF JUSTICE	105,139	9,847	34,604,218	115,654	31,244,375	117,562	20,778,062

1/ The 2013 Continuing Resolution includes the 0.612% funding above current rate, provided by P.L. 112-175, sec. 101(c) and excludes the reduction for sequestration of \$1.66 billion.

* The FTE displayed for FY 2012 section reflect actual FTE. The FTE numbers displayed for FY 2013 and FY 2014 are both estimates.

**U. S. DEPARTMENT OF JUSTICE
FY 2013 BUDGET AUTHORITY
INCLUDING SUPPLEMENTALS
(Dollars in Thousands)**

APPROPRIATION	FY 2013 Continuing Resolution	0.612% Above Current Rate ¹⁾	P.L. 113-12 Hurricane Sandy Relief	Sequester Amount ²⁾	FY 2013 CR Total Budget Authority
GENERAL ADMINISTRATION	\$110,822	\$678	\$0	-\$5,575	\$105,925
NATIONAL DRUG INTELLIGENCE CENTER ³⁾	20,000	122	0	-1,006	19,116
JUSTICE INFORMATION SHARING TECHNOLOGY	44,307	271	0	-2,229	42,349
DETENTION TRUSTEE	1,580,595	9,673	0	-79,513	1,510,755
LAW ENFORCEMENT WIRELESS COMMUNICATIONS ³⁾	87,000	532	0	-4,377	83,155
ADMINISTRATIVE REVIEW & APPEALS	305,000	1,842	0	-15,343	291,499
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW	296,275	1,625	0	-15,006	285,094
Transfer from Immigration Fees Account	4,000	0	0	-200	3,800
PARDON ATTORNEY	2,725	17	0	-137	2,605
OFFICE OF THE INSPECTOR GENERAL	84,199	515	0	-4,236	80,478
WORKING CAPITAL FUND (Rescissions)	-40,000	0	0	0	-40,000
U.S. PAROLE COMMISSION	12,833	79	0	-646	12,266
NATIONAL SECURITY DIVISION	87,000	532	0	-4,377	83,155
GENERAL LEGAL ACTIVITIES	863,367	5,285	0	-43,433	825,219
SOLICITOR GENERAL	10,724	66	0	-540	10,251
TAX DIVISION	104,677	642	0	-5,276	100,243
CRIMINAL DIVISION	174,000	1,065	0	-8,753	166,312
CIVIL DIVISION	283,103	1,733	0	-14,242	270,594
ENVIRONMENT & NATURAL RESOURCES DIVISION	108,009	661	0	-5,434	103,237
LEGAL COUNSEL	7,605	47	0	-383	7,269
CIVIL RIGHTS DIVISION	144,500	884	0	-7,269	138,115
INTERPOL	29,754	182	0	-1,497	28,439
OFFICE OF DISPUTE RESOLUTION	795	5	0	-40	760
VACCINE INJURY COMPENSATION TRUST FUND	[7,833]	0	0	0	[7,833]
ANTITRUST	159,587	977	0	-2,153	158,411
U.S. ATTORNEYS	1,960,000	11,995	0	-98,600	1,873,395
U.S. TRUSTEES	223,258	1,366	0	-11,231	213,393
FOREIGN CLAIMS SETTLEMENT COMMISSION	2,000	12	0	-101	1,911
U.S. MARSHALS SERVICE	1,166,808	7,277	0	-59,703	1,134,374
SALARIES & EXPENSES	1,174,000	7,185	0	-58,949	1,122,236
Rescission of Prior Year Balances	-2,200	0	0	0	-2,200
CONSTRUCTION	15,000	92	0	-755	14,337
FEDERAL PRISONER DETENTION	[1,580,595]	[9,673]	0	[-79,513]	[1,510,755]
COMMUNITY RELATIONS SERVICE	11,458	70	0	-576	10,950
ASSETS FORFEITURE FUND CURRENT BUDGET AUTHORITY	20,948	128	0	-1,054	20,022
INTERAGENCY CRIME & DRUG ENFORCEMENT	527,512	3,228	0	-26,537	504,203
FEDERAL BUREAU OF INVESTIGATION	8,117,973	49,682	10,020	-542,458	7,635,217
SALARIES & EXPENSES	8,036,991	49,186	10,020	-538,384	7,557,813
CONSTRUCTION	80,982	496	0	-4,074	77,404
DRUG ENFORCEMENT ADMINISTRATION	2,025,000	12,454	1,000	-102,548	1,935,906
SALARIES & EXPENSES	2,025,000	12,393	1,000	-102,045	1,936,348
Rescission of Prior Year Balances	-10,000	0	0	0	-10,000
CONSTRUCTION ³⁾	10,000	61	0	-503	9,558
BUREAU OF ALCOHOL, TOBACCO, FIREARMS & EXPLOSIVES	1,152,000	7,050	230	-57,964	1,101,316
SALARIES & EXPENSES	1,152,000	7,050	230	-57,964	1,101,316
FEDERAL PRISON SYSTEM	6,596,281	40,645	10,000	-332,347	6,314,579
SALARIES & EXPENSES	6,551,281	40,094	0	-329,569	6,261,806
BUILDINGS & FACILITIES	90,000	551	10,000	-2,778	97,773
Rescission of Prior Year Balances	-45,000	0	0	0	-45,000
FEDERAL PRISON INDUSTRIES (limitation on Administrative Expenses)	2,700	0	0	0	2,700
SUBTOTAL, DISCRETIONARY w/o State and Local	25,140,638	154,413	21,250	-1,396,005	23,920,296

¹⁾ The 0.612% funding above current rate was provided by P.L. 112-175, sec. 101 (c).

²⁾ Two additional accounts which are sequestered are not listed: BOP Commissary Fund (sequester cut of \$5.661 million) and FBI unobligated 054 balances (sequester cut of \$13.168 million). These accounts received no appropriated funding under the FY 2013 CR, but are still sequesterable. These accounts bring the total cut to DOJ as of March 1, 2013 to \$1.67 billion

³⁾ The NDIC and LEWC accounts were eliminated in the FY 2013 enactment, and therefore had their sequester amounts reduced to \$0 following enactment. DEA Construction received no appropriated funding in FY 2013 and therefore also has \$0 sequestered in FY 2013. These changes reduce DOJ's final sequester cut from \$1.67 billion to \$1.66 billion

**U. S. DEPARTMENT OF JUSTICE
FY 2013 BUDGET AUTHORITY
INCLUDING SUPPLEMENTALS
(Dollars in Thousands)**

APPROPRIATION	FY 2013 Continuing Resolution	0.612% Above Current Rate ^{1/}	P.L. 113-12 Hurricane Sandy Relief	Sequester Amount ^{2/}	FY 2013 CR Total Budget Authority
DISCRETIONARY GRANTS PROGRAMS	2,071,895	13,254	0	-102,454	1,982,495
OFFICE OF JUSTICE PROGRAMS	1,499,306	9,514	0	-74,296	1,434,518
JUSTICE ASSISTANCE	113,000	692	0	-5,235	108,457
OJP SALARIES AND EXPENSES	[175,056]	0	0	0	0
JUVENILE JUSTICE PROGRAMS	262,500	1,607	0	-12,755	251,352
STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE	1,162,500	7,115	0	-56,306	1,113,309
PUBLIC SAFETY OFFICERS' BENEFITS	16,300	100	0	0	16,400
OJP- wide rescissions	-55,000	0	0	0	-55,000
COMMUNITY POLICING (INCLUDES OJP PROGRAMS)	174,895	1,215	0	-8,157	167,953
COMMUNITY POLICING	198,500	1,215	0	-8,157	191,558
COPS SALARIES AND EXPENSES	[37,004]	0	0	0	0
Rescission of Prior Year Balances	-23,605	0	0	0	-23,605
OFFICE ON VIOLENCE AGAINST WOMEN	397,500	2,525	0	-20,001	380,024
OFFICE OF VIOLENCE AGAINST WOMEN	412,500	2,525	0	-20,001	395,024
OVW SALARIES AND EXPENSES	[18,186]	0	0	0	0
Rescission of Prior Year Balances	-15,000	0	0	0	-15,000
SUBTOTAL, DISCRETIONARY w/o Scorekeeping Credits	27,212,333	167,667	21,250	-1,498,459	25,902,791
FEE COLLECTIONS					
Offset from Antitrust Pre-Merger Filing Fee	-110,000	0	0	0	-110,000
Offset from U.S. Trustee Fees and Interest on U.S. Securities	-281,829	0	0	0	-281,829
SUBTOTAL, FEES COLLECTIONS	-391,829	0	0	0	-391,829
SUBTOTAL, DISCRETIONARY with Fees	26,820,504	167,667	21,250	-1,498,459	25,510,962
SCOREKEEPING CREDITS					
CRIME VICTIMS FUND	[-7,818,000]	0	0	0	[-7,818,000]
ASSETS FORFEITURE FUND	[-675,000]	0	0	0	[-675,000]
SUBTOTAL, SCOREKEEPING CREDITS	[8,553,000]	0	0	0	[8,553,000]
TOTAL, DOJ DIRECT DISCRETIONARY BA	26,820,504	167,667	21,250	-1,498,459	25,510,962
MANDATORY AND OTHER ACCOUNTS:					
FEES AND EXPENSES OF WITNESSES (MANDATORY)	270,000	0	0	-13,770	256,230
INDEPENDENT COUNSEL (PERMANENT INDEFINITE)	500	0	0	0	500
RADIATION EXPOSURE COMPENSATION TRUST FUND) (MANDATORY)	94,000	0	0	0	94,000
PUBLIC SAFETY OFFICERS' DEATH BENEFITS (MANDATORY)	62,000	0	0	-51	61,949
ASSETS FORFEITURE FUND (PERMANENT BUDGET AUTHORITY)	3,706,158	0	0	-69,258	3,636,900
ANTITRUST PRE-MERGER FILING FEE COLLECTIONS	110,000	0	0	0	110,000
U. S. TRUSTEES FEE COLLECTIONS	281,829	0	0	0	281,829
CRIMINAL JUSTICE INFORMATION SERVICES (FBI)	433,000	0	0	0	433,000
DIVERSION CONTROL FEE	351,937	0	0	-17,085	334,852
9/11 VICTIM COMPENSATION FUND	322,000	0	0	-16,422	305,578
CRIME VICTIMS FUND	705,000	0	0	-35,955	669,045
SUBTOTAL, MANDATORY AND OTHER ACCOUNTS	6,336,424	0	0	-152,541	6,183,883
TOTAL BA, DISCR & MANDATORY, DEPT. OF JUSTICE	33,156,928	167,667	21,250	-1,651,000	31,694,845
HEALTH CARE FRAUD REIMBURSEMENTS					
HCFAC MANDATORY REIMBURSEMENT	61,225	0	0	0	61,225
FBI-HEALTH CARE FRAUD - Mandatory	131,872	0	0	0	131,872
HCFAC DISCRETIONARY REIMBURSEMENT	29,674	0	0	0	29,674
SUBTOTAL, HEALTH FRAUD REIMBURSEMENTS	222,771	0	0	0	222,771
TOTAL BA, DEPARTMENT OF JUSTICE, WITH OFFSET	33,379,699	167,667	21,250	-1,651,000	31,917,616

^{1/} The 0.612% funding above current rate was provided by P.L. 112-175, sec. 101 (c).

^{2/} Two additional accounts which are sequestered are not listed. BOP Commissary Fund (sequester out of \$5.661 million) and FBI unobligated 054 balances (sequester out of \$13.168 million). These accounts received no appropriated funding under the FY 2013 CR, but are still sequesterable. These accounts bring the total cut to DOJ as of March 1, 2013 to \$1.67 billion

^{3/} The NDIC and LEWC accounts were eliminated in the FY 2013 enactment and therefore had their sequester amounts reduced to \$0 following enactment. DEA Construction received no appropriated funding in FY 2013 and therefore also has \$0 sequestered in FY 2013. These changes reduce DOJ's final sequester cut from \$1.67 billion to \$1.66 billion.

DEPARTMENT OF JUSTICE
OUTLAYS - 2012 TO 2014
(Dollars in Thousands)

APPROPRIATION	2012 ACTUAL	2013	2014	OUTLAY SPENDOUT RATES				
				YR1	YR2	YR3	YR4	YR5
GENERAL ADMINISTRATION	\$111,337	\$120,000	\$128,000	89%	11%	0%	0%	0%
NATIONAL DRUG INTELLIGENCE CENTER	21,927	16,000	6,000	75%	15%	10%	0%	0%
JUSTICE INFORMATION SHARING TECHNOLOGY	59,400	76,000	49,000	89%	11%	0%	0%	0%
DETENTION TRUSTEE	1,541,311	1,581,000	159,000	85%	15%	0%	0%	0%
LAW ENFORCEMENT WIRELESS COMMUNICATIONS	130,900	100,000	85,000	40%	60%	0%	0%	0%
ADMINISTRATIVE REVIEW & APPEALS	308,117	321,000	330,000	89%	11%	0%	0%	0%
OFFICE OF THE INSPECTOR GENERAL	85,796	93,000	86,000	94%	6%	0%	0%	0%
WORKING CAPITAL FUND	-19,256	404,000	0	100%	0%	0%	0%	0%
U.S. PAROLE COMMISSION	12,236	13,000	13,000	86%	14%	0%	0%	0%
NATIONAL SECURITY DIVISION	83,007	98,000	95,000	89%	11%	0%	0%	0%
GENERAL LEGAL ACTIVITIES	853,037	928,000	958,000	87%	11%	2%	0%	0%
U.S. ATTORNEYS	1,907,339	2,008,000	2,042,000	88%	9%	3%	0%	0%
FOREIGN CLAIMS SETTLEMENT COMMISSION	2,002	2,000	2,000	91%	8%	1%	0%	0%
U.S. MARSHALS SERVICE (Total)	1,250,971	1,123,000	1,492,000					
SALARIES & EXPENSES	1,231,936	1,102,000	1,469,000	90%	10%	0%	0%	0%
CONSTRUCTION	19,035	21,000	23,000	10%	40%	45%	5%	0%
COMMUNITY RELATIONS SERVICE	11,135	9,000	11,000	85%	11%	2%	2%	0%
ASSETS FORFEITURE FUND CURRENT BUDGET AUTHORITY	18,190	20,000	20,000	40%	40%	20%	0%	0%
INTERAGENCY CRIME & DRUG ENFORCEMENT	552,613	581,000	578,000	75%	25%	0%	0%	0%
FEDERAL BUREAU OF INVESTIGATION (Total)	8,074,002	8,141,000	8,835,000					
SALARIES & EXPENSES	7,907,493	8,040,000	8,651,000	85%	11%	4%	0%	0%
CONSTRUCTION	166,509	101,000	184,000	10%	40%	45%	5%	0%
DRUG ENFORCEMENT ADMINISTRATION (Total)	2,064,056	2,115,000	1,968,000					
SALARIES & EXPENSES	2,064,033	2,100,000	1,964,000	75%	15%	10%	0%	0%
CONSTRUCTION	23	15,000	4,000	75%	15%	10%	0%	0%
BUREAU OF ALCOHOL, TOBACCO, FIREARMS & EXPLOSIVES (Total)	1,145,713	1,219,000	1,247,000					
SALARIES & EXPENSES	1,144,283	1,218,000	1,247,000	90%	7%	2%	1%	0%
CONSTRUCTION	1,430	1,000	0	10%	50%	20%	20%	0%
FEDERAL PRISON SYSTEM (Total)	6,768,482	6,724,000	6,900,000					
SALARIES & EXPENSES	6,514,711	6,582,000	6,808,000	90%	10%	0%	0%	0%
BUILDINGS & FACILITIES	253,771	142,000	92,000	10%	40%	45%	5%	0%
FEDERAL PRISON INDUSTRIES	-9,035	3	0	100%	0%	0%	0%	0%
COMMISSARY FUND	-6,708	0	0	0%	0%	0%	0%	0%
OFFICE OF JUSTICE PROGRAMS (Total)	3,286,528	3,429,000	2,664,000					
RESEARCH EVALUATION AND STATISTIC	157,714	202,000	134,000	22%	38%	35%	5%	0%
JUVENILE JUSTICE PROGRAMS	356,762	370,000	352,000	22%	38%	35%	5%	0%
STATE and LOCAL LAW ENFORCEMENT ASSISTANCE	1,646,691	1,665,000	1,255,000	22%	38%	35%	5%	0%
WEED AND SEED	8,989	3,000	0	22%	38%	35%	5%	0%
COMMUNITY POLICING	610,922	655,000	367,000	40%	20%	20%	13%	7%
PUBLIC SAFETY OFFICERS BENEFIT	12,168	27,000	16,000	100%	0%	0%	0%	0%
OFFICE ON VIOLENCE AGAINST WOMEN	405,120	491,000	539,000	22%	38%	35%	5%	0%
SALARIES AND EXPENSES	88,162	16,000	1,000	60%	30%	10%	0%	0%
SUBTOTAL, DISCRETIONARY OUTLAYS	28,262,135	29,121,000	27,668,000					
FEES AND EXPENSES OF WITNESSES (Mandatory)	176,041	323,000	323,000	70%	30%	0%	0%	0%
RADIATION EXPOSURE COMPENSATION TRUST FUND (Mandatory)	82,560	68,000	87,000	60%	40%	0%	0%	0%
PUBLIC SAFETY OFFICERS BENEFIT (Mandatory)	76,879	68,000	72,000	100%	0%	0%	0%	0%
9/11 VICTIM COMPENSATION FUND	6,213	325,000	175,000	0%	0%	0%	0%	0%
COPS AMERICAN JOBS ACT	0	0	2,400,000	60%	40%	0%	0%	0%
SUBTOTAL, MANDATORY OUTLAYS	341,693	782,000	3,057,000					
ANTITRUST	67,644	43,000	57,000	90%	8%	2%	0%	0%
U.S. TRUSTEES	222,902	223,000	225,000	90%	8%	2%	0%	0%
ASSETS FORFEITURE FUND (Permanent Budget Authority)	2,655,886	4,659,000	1,865,000	60%	20%	20%	0%	0%
DIVERSION CONTROL FEE	291,736	332,000	333,000	75%	15%	10%	0%	0%
CRIME VICTIMS FUND	680,879	760,000	965,000	60%	30%	10%	0%	0%
SUBTOTAL, FEE-FUNDED AND OTHER ACCOUNTS	3,919,047	6,017,000	3,445,000					
TOTAL, DEPARTMENT OF JUSTICE	\$32,522,875	\$35,920,000	\$34,170,000					

**DEPARTMENT OF JUSTICE
SUMMARY OF SELECTED EMPLOYMENT CATEGORIES
NUMBER OF POSITIONS ¹**

ORGANIZATION	2012 ON-BOARD END OF YEAR ²	2013 CR ³	2014 REQUEST ³
GENERAL LEGAL ACTIVITIES			
ATTORNEYS	2,779	2,929	3,035
ANTITRUST DIVISION			
ATTORNEYS	332	390	380
U.S. ATTORNEYS			
ATTORNEYS	5,683	6,186	6,338
U.S. MARSHALS SERVICE			
DEPUTY U.S. MARSHALS ⁴	4,038	4,295	4,308
U.S. TRUSTEES			
ATTORNEYS	301	318	318
FEDERAL BUREAU OF INVESTIGATION			
SPECIAL AGENTS	13,851	13,960	14,063
DRUG ENFORCEMENT ADMINISTRATION ⁵			
SPECIAL AGENTS	5,444	5,369	5,301
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES			
SPECIAL AGENTS	2,433	2,539	2,665
BUREAU OF PRISONS			
CORRECTIONAL OFFICERS	17,800	19,756	20,911
FBI NATIONAL SECURITY AGENTS ⁶	6,425	6,445	6,476
DRUG AGENTS	6,026	5,705	5,546

¹ Includes positions funded from Interagency Crime and Drug Enforcement (ICDE) resources and other reimbursable sources, such as the Federal Bureau of Investigation (FBI) resources available from the Health Insurance Portability and Accountability Act of 1996.

² The 2012 on-board end of year reflects on-board as of pay period 19, ending September 22, 2012.

³ The totals listed for FY 2013 and FY 2014 reflect projected appropriated totals.

⁴ U.S. Marshals criminal investigators pay class 0082 has been recategorized as Deputy U.S. Marshals but maintained the pay class code.

⁵ DEA Agents includes Diversion Control Agents

⁶ The 2012 number reflects authorized agent positions scored to Strategic Goal 1: Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law. The FBI does not track on-board numbers by Strategic Goal.

DEPARTMENT OF JUSTICE
ORGANIZATIONAL BASE ADJUSTMENTS
FY 2014 TOTAL
(Dollars in Thousands)

FY 2014 PRESIDENT'S BUDGET	GA	NDIC	JIST	NARROW BAND (LEWC)	ADMIN REVIEW & APPEALS			OIG	USPC
					EOIR	OPA	TOTAL		
RESOURCES TRANSFERS									
Transfers - Administrative Positions - From OLC	0	0	0	0	0	0	0	0	0
Transfers - Administrative Positions - To OSG	0	0	0	0	0	0	0	0	0
Transfers - DHS Immigration Examination Fee Account	0	0	0	0	4,000	0	4,000	0	0
Transfers - JABS - From JIST	0	0	-9,500	0	0	0	0	0	0
Transfers - JABS - To Components	0	0	0	0	0	0	0	0	0
Transfers - JCON and JCON S/Ts - To Components	433	0	0	0	711	0	711	37	38
Transfers - JCON and JCON S/Ts Transfers - From JIST	0	0	-17,529	0	0	0	0	0	0
Transfers - DEA - From NDIC	0	0	0	0	0	0	0	0	0
Transfers - NDIC - To DEA	0	-8,026	0	0	0	0	0	0	0
Transfers - New Technology - From LEWC	0	0	0	-87,000	0	0	0	0	0
Transfers - New Technology - To Components	0	0	0	0	0	0	0	0	0
Transfers - Office of Information Policy (OIP) - From Components	0	0	0	0	-128	0	-128	-63	0
Transfers - Office of Information Policy (OIP) - To GA	6,988	0	0	0	0	0	0	0	0
Transfers - Office of Legal Policy (OLP) - From Components	0	0	0	0	0	0	0	0	0
Transfers - Office of Legal Policy (OLP) - To GA	785	0	0	0	0	0	0	0	0
Transfers - Office of Professional Responsibility (OPR) - From Components	0	0	0	0	0	0	0	0	0
Transfers - Office of Professional Responsibility (OPR) - To GA	618	0	0	0	0	0	0	0	0
Transfers - Office of Tribal Justice (OTJ) - From Components	0	0	0	0	0	0	0	0	0
Transfers - Office of Tribal Justice (OTJ) - To GA	1,086	0	0	0	0	0	0	0	0
Transfers - Professional Responsibility Advisory Office (PRAO) - From Components	0	0	0	0	-174	0	-174	-7	0
Transfers - Professional Responsibility Advisory Office (PRAO) - To GA	3,675	0	0	0	0	0	0	0	0
TOTAL TRANSFERS	13,995	-8,026	-27,029	-87,000	4,408	0	4,408	-33	38
DIRECT - INCREASES									
2014 Pay Raise	512	0	117	0	1,272	15	1,287	437	73
Annualization of 2012 Approved Positions (3rd Year)	0	0	0	0	0	0	0	0	0
Annualization of 2013 Pay Raise	107	0	11	0	225	3	228	73	12
Base Pay Adjustment	0	0	0	0	0	0	0	0	0
Employees Compensation Fund	23	0	0	0	-26	0	-26	-55	0
Health Insurance	106	0	38	0	300	4	304	22	26
Retirement	72	0	16	0	258	3	259	125	9
Total Pay & Benefits	820	0	182	0	2,027	25	2,052	602	120
GSA Rent	751	0	0	0	0	0	0	-494	28
Guard Service	-201	0	-21	0	470	-1	469	-30	4
Moves	66	0	0	0	-612	29	-583	1,147	0
Rental Payments - Non-GSA	0	0	0	0	0	0	0	0	0
Total Domestic Rent & Facilities	616	0	-21	0	-142	28	-114	623	30
Base Adjustment	0	0	0	0	0	0	0	0	0
Legacy Radio O&M	0	0	0	0	0	0	0	0	0
Other Adjustments to Base	0	0	0	0	0	0	0	0	0
RECA Program Adjustment	0	0	0	0	0	0	0	0	0
Spectrum Relocation	0	0	0	0	0	0	0	0	0
Working Capital Fund	39	0	3	0	0	0	0	24	0
Total Other Adjustments	39	0	3	0	0	0	0	24	0
Capital Security Cost Sharing	0	0	0	0	0	0	0	0	0
Education Allowance	0	0	0	0	0	0	0	0	0
Government Leased Quarters (GLQ)	0	0	0	0	0	0	0	0	0
ICASS	0	0	0	0	0	0	0	0	0
Living Quarters Allowance (LQA)	0	0	0	0	0	0	0	0	0
Post Allowance - Cost of Living Allowance (COLA)	0	0	0	0	0	0	0	0	0
Total Foreign Expenses	0	0	0	0	0	0	0	0	0
Annualization of 2011 Activation FCI Berlin, NH	0	0	0	0	0	0	0	0	0
Annualization of 2012 Activation FCI Aliceville, AL	0	0	0	0	0	0	0	0	0
Existing Contract Bed Adjustments - BOP	0	0	0	0	0	0	0	0	0
Food Cost Adjustments (BOP)	0	0	0	0	0	0	0	0	0
Inmate Care - BOP	0	0	0	0	0	0	0	0	0
JPATS Increase (BOP)	0	0	0	0	0	0	0	0	0
Medical Cost Adjustments (BOP)	0	0	0	0	0	0	0	0	0
Utility Costs Adjustments - BOP	0	0	0	0	0	0	0	0	0
Total Prison and Detention	0	0	0	0	0	0	0	0	0
TOTAL DIRECT INCREASES	1,478	0	184	0	1,885	53	1,938	1,249	150
DIRECT - DECREASES									
Non-Recruital of FY 2011 Non-Personnel	0	0	0	0	0	0	0	0	0
Non-Recruital of FY 2012 Renter Safe Enhancement	0	0	0	0	0	0	0	0	0
Non-Recruital of Non-Personnel	0	0	0	0	0	0	0	0	0
Total Direct Decreases	0	0	0	0	0	0	0	0	0
TOTAL RESOURCES	15,070	-8,026	-26,865	-87,000	6,294	53	6,347	1,216	188
Total FTE Adjustments	3	0	5	-5	0	0	0	0	0
Total Position Adjustments	71	-57	-13	-35	0	0	0	0	0

DEPARTMENT OF JUSTICE
ORGANIZATIONAL BASE ADJUSTMENTS
FY 2014 TOTAL
(Dollars in Thousands)

FY 2014 PRESIDENT'S BUDGET	NSD	GENERAL LEGAL ACTIVITIES							
		OSG	TAX	CRM	CIVIL	ENRD	OLC	CIVIL RIGHTS	IPOL-W
RESOURCES TRANSFERS									
Transfers - Administrative Positions - From OLC	0	570	0	0	0	0	0	0	0
Transfers - Administrative Positions - To OSG	0	0	0	0	0	0	-570	0	0
Transfers - DHS Immigration Examination Fee Account	0	0	0	0	0	0	0	0	0
Transfers - JABS - From JIST	0	0	0	0	0	0	0	0	0
Transfers - JABS - To Components	0	0	0	0	0	0	0	0	0
Transfers - JCON and JCON S/TS - To Components	1,182	21	261	694	1,728	305	29	377	41
Transfers - JCON and JCON S/TS Transfers - From JIST	0	0	0	0	0	0	0	0	0
Transfers - DEA - From NDIC	0	0	0	0	0	0	0	0	0
Transfers - NDIC - To DEA	0	0	0	0	0	0	0	0	0
Transfers - New Technology - From LEWC	0	0	0	0	0	0	0	0	0
Transfers - New Technology - To Components	0	0	0	0	0	0	0	0	0
Transfers - Office of Information Policy (OIP) - From Components	-22	0	-31	-154	-35	-21	-23	-50	-29
Transfers - Office of Information Policy (OIP) - To GA	0	0	0	0	0	0	0	0	0
Transfers - Office of Legal Policy (OLP) - From Components	0	0	0	0	0	0	0	0	0
Transfers - Office of Legal Policy (OLP) - To GA	0	0	0	0	0	0	0	0	0
Transfers - Office of Professional Responsibility (OPR) - From Components	0	0	0	0	0	0	0	0	0
Transfers - Office of Professional Responsibility (OPR) - To GA	0	0	0	0	0	0	0	0	0
Transfers - Office of Tribal Justice (OTJ) - From Components	0	0	0	-335	0	0	0	-261	0
Transfers - Office of Tribal Justice (OTJ) - To GA	0	0	0	0	0	0	0	0	0
Transfers - Professional Responsibility Advisory Office (PRAO) - From Components	-69	-8	-133	-174	-343	-152	-7	-131	0
Transfers - Professional Responsibility Advisory Office (PRAO) - To GA	0	0	0	0	0	0	0	0	0
TOTAL TRANSFERS	1,091	\$83	97	30	1,350	132	-571	-65	12
DIRECT - INCREASES									
2014 Pay Raise	355	53	569	820	1,412	578	41	667	62
Annualization of 2012 Approved Positions (3rd Year)	0	0	0	0	0	0	0	0	0
Annualization of 2013 Pay Raise	70	9	100	142	246	98	7	120	11
Base Pay Adjustment	0	200	0	0	0	0	200	0	0
Employees Compensation Fund	-1	0	-59	17	-60	-10	0	-7	0
Health Insurance	119	27	187	129	853	115	0	166	0
Retirement	81	9	63	117	367	154	7	82	14
Total Pay & Benefits	624	298	860	1,225	2,818	935	255	1,028	87
GSA Rent	954	68	368	-948	0	125	115	0	8
Guard Service	63	-7	-16	-371	-114	-138	-2	353	-17
Moves	0	0	293	0	1,484	3,569	0	917	0
Rental Payments - Non-GSA	2,400	0	0	0	0	0	0	0	0
Total Domestic Rent & Facilities	3,417	61	645	-1,319	1,370	3,556	113	1,270	-9
Base Adjustment	0	0	0	0	0	0	0	0	0
Legacy Radio O&M	0	0	0	0	0	0	0	0	0
Other Adjustments to Base	0	0	0	0	0	0	0	0	0
RECA Program Adjustment	0	0	0	0	0	0	0	0	0
Spectrum Relocation	0	0	0	0	0	0	0	0	0
Working Capital Fund	0	0	0	0	86	0	0	0	0
Total Other Adjustments	0	0	0	0	86	0	0	0	0
Capital Security Cost Sharing	0	0	0	-4,605	-15	0	0	0	0
Education Allowance	0	0	0	-46	0	0	0	0	0
Government Leased Quarters (GLQ)	0	0	0	0	0	0	0	0	0
ICASS	0	0	0	2,030	1	0	0	0	0
Living Quarters Allowance (LQA)	0	0	0	0	0	0	0	0	0
Post Allowance - Cost of Living Allowance (COLA)	0	0	0	104	0	0	0	0	0
Total Foreign Expenses	0	0	0	-2,517	-14	0	0	0	0
Annualization of 2011 Activation FCI Berlin, NH	0	0	0	0	0	0	0	0	0
Annualization of 2012 Activation FCI Aliceville, AL	0	0	0	0	0	0	0	0	0
Existing Contract Bed Adjustments - BOP	0	0	0	0	0	0	0	0	0
Food Cost Adjustments (BOP)	0	0	0	0	0	0	0	0	0
Inmate Care - BOP	0	0	0	0	0	0	0	0	0
JPATs Increase (BOP)	0	0	0	0	0	0	0	0	0
Medical Cost Adjustments (BOP)	0	0	0	0	0	0	0	0	0
Utility Costs Adjustments - BOP	0	0	0	0	0	0	0	0	0
Total Prison and Detention	0	0	0	0	0	0	0	0	0
TOTAL DIRECT INCREASES	4,041	359	1,505	-2,611	4,260	4,491	368	2,298	78
DIRECT - DECREASES									
Non-Recural of FY 2011 Non-Personnel	0	0	0	0	0	0	0	0	0
Non-Recural of FY 2012 Renter Safe Enhancement	0	0	0	0	0	0	0	0	0
Non-Recural of Non-Personnel	0	0	0	0	0	0	0	0	0
Total Direct Decreases	0	0	0	0	0	0	0	0	0
TOTAL RESOURCES	5,132	942	1,602	-2,581	5,610	4,623	-203	2,233	90
Total FTE Adjustments	6	6	0	-1	0	0	-8	-1	0
Total Position Adjustments	0	6	0	-1	0	0	-8	-1	0

DEPARTMENT OF JUSTICE
ORGANIZATIONAL BASE ADJUSTMENTS
FY 2014 TOTAL
(Dollars in Thousands)

FY 2014 PRESIDENT'S BUDGET	GENERAL LEGAL ACTIVITIES cont'd		ATR	USA	USTP	FCSC	U.S. Marshals Service		
	ODR	TOTAL GLA					S&E	FPD	TOTAL
RESOURCES TRANSFERS									
Transfers - Administrative Positions - From OLC	0	570	0	0	0	0	0	0	0
Transfers - Administrative Positions - To OSG	0	-570	0	0	0	0	0	0	0
Transfers - DHS Immigration Examination Fee Account	0	0	0	0	0	0	0	0	0
Transfers - JABS - From JIST	0	0	0	0	0	0	0	0	0
Transfers - JABS - To Components	0	0	0	0	0	0	2,755	0	2,755
Transfers - JCON and JCON S/TS - To Components	0	3,456	385	6,804	675	0	2,774	12	2,786
Transfers - JCON and JCON S/TS Transfers - From JIST	0	0	0	0	0	0	0	0	0
Transfers - DEA - From NDIC	0	0	0	0	0	0	0	0	0
Transfers - NDIC - To DEA	0	0	0	0	0	0	0	0	0
Transfers - New Technology - From LEWC	0	0	0	0	0	0	0	0	0
Transfers - New Technology - To Components	0	0	0	0	0	0	3,700	0	3,700
Transfers - Office of Information Policy (OIP) - From Components	0	-343	-26	-1,409	-14	0	-147	0	-147
Transfers - Office of Information Policy (OIP) - To GA	0	0	0	0	0	0	0	0	0
Transfers - Office of Legal Policy (OLP) - From Components	-795	-795	0	0	0	0	0	0	0
Transfers - Office of Legal Policy (OLP) - To GA	0	0	0	0	0	0	0	0	0
Transfers - Office of Professional Responsibility (OPR) - From Components	0	0	0	-618	0	0	0	0	0
Transfers - Office of Professional Responsibility (OPR) - To GA	0	0	0	0	0	0	0	0	0
Transfers - Office of Tribal Justice (OTJ) - From Components	0	-597	0	-489	0	0	0	0	0
Transfers - Office of Tribal Justice (OTJ) - To GA	0	0	0	0	0	0	0	0	0
Transfers - Professional Responsibility Advisory Office (PRAO) - From Components	0	-948	-123	-2,039	-107	0	-7	0	-7
Transfers - Professional Responsibility Advisory Office (PRAO) - To GA	0	0	0	0	0	0	0	0	0
TOTAL TRANSFERS	-795	773	236	2,249	454	0	9,075	12	9,087
DIRECT - INCREASES									
2014 Pay Raise	0	4,202	595	8,929	1,154	11	4,897	36	4,933
Annualization of 2012 Approved Positions (3rd Year)	0	0	0	0	0	0	0	0	0
Annualization of 2013 Pay Raise	0	733	130	1,564	194	2	867	5	872
Base Pay Adjustment	0	400	0	0	0	8	0	0	0
Employees Compensation Fund	0	-119	-118	122	25	0	848	0	846
Health Insurance	0	1,477	128	3,084	316	4	1,196	9	1,205
Retirement	0	813	81	2,454	231	5	854	6	870
Total Pay & Benefits	0	7,506	816	16,153	1,820	30	8,670	56	8,726
GSA Rent	0	-264	0	13,982	-2,837	0	10,992	0	10,992
Guard Service	0	-312	-229	1,054	-371	2	0	0	0
Moves	0	6,263	0	5,279	1,224	26	3,182	0	3,182
Rental Payments - Non-GSA	0	0	0	0	2,080	0	0	0	0
Total Domestic Rent & Facilities	0	5,687	-229	20,315	96	28	14,174	0	14,174
Base Adjustment	0	0	0	0	0	113	0	0	0
Legacy Radio O&M	0	0	0	0	0	0	2,719	0	2,719
Other Adjustments to Base	0	0	0	0	0	46	0	0	0
RECA Program Adjustment	0	0	0	0	0	0	0	0	0
Spectrum Relocation	0	0	0	0	0	0	0	0	0
Working Capital Fund	0	86	0	0	0	1	73	0	73
Total Other Adjustments	0	86	0	0	0	160	2,792	0	2,792
Capital Security Cost Sharing	0	-4,620	0	0	0	0	840	0	840
Education Allowance	0	-46	0	0	0	0	124	0	124
Government Leased Quarters (GLQ)	0	0	0	0	0	0	21	0	21
ICASS	0	2,031	0	0	0	0	-692	0	-692
Living Quarters Allowance (LQA)	0	0	0	0	0	0	6	0	6
Post Allowance - Cost of Living Allowance (COLA)	0	104	0	0	0	0	33	0	33
Total Foreign Expenses	0	-2,531	0	0	0	0	332	0	332
Annualization of 2011 Activation FCI Berlin, NH	0	0	0	0	0	0	0	0	0
Annualization of 2012 Activation FCI Aliceville, AL	0	0	0	0	0	0	0	0	0
Existing Contract Bed Adjustments - BOP	0	0	0	0	0	0	0	0	0
Food Cost Adjustments (BOP)	0	0	0	0	0	0	0	0	0
Inmate Care - BOP	0	0	0	0	0	0	0	0	0
JPATS Increase (BOP)	0	0	0	0	0	0	0	0	0
Medical Cost Adjustments (BOP)	0	0	0	0	0	0	0	0	0
Utility Costs Adjustments - BOP	0	0	0	0	0	0	0	0	0
Total Prison and Detention	0	0	0	0	0	0	0	0	0
TOTAL DIRECT INCREASES	0	10,748	587	36,468	2,018	218	25,968	58	26,026
DIRECT - DECREASES									
Non-Recruital of FY 2011 Non-Personnel	0	0	0	0	0	0	0	0	0
Non-Recruital of FY 2012 Rander Safe Enhancement	0	0	0	0	0	0	0	0	0
Non-Recruital of Non-Personnel	0	0	0	0	0	0	0	0	0
Total Direct Decreases	0	0	0	0	0	0	0	0	0
TOTAL RESOURCES	-795	11,521	823	38,717	2,470	218	35,043	68	35,111
Total FTE Adjustments	0	-4	0	32	0	0	8	0	8
Total Position Adjustments	-3	-7	0	-5	0	0	0	0	0

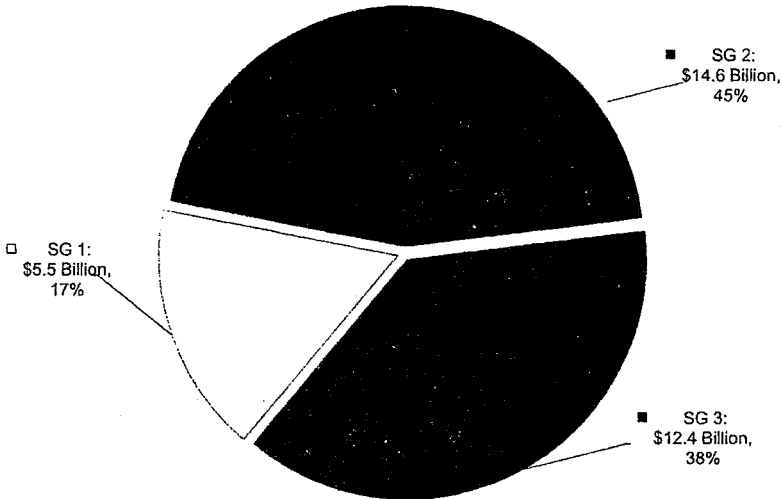
DEPARTMENT OF JUSTICE
ORGANIZATIONAL BASE ADJUSTMENTS
FY 2014 TOTAL
(Dollars in Thousands)

FY 2014 PRESIDENT'S BUDGET	CRS	ICDE	FBI	DEA			ATF
				S&E	CONST	TOTAL	
RESOURCES TRANSFERS							
Transfers - Administrative Positions - From OLC	0	0	0	0	0	0	0
Transfers - Administrative Positions - To OSG	0	0	0	0	0	0	0
Transfers - DHS Immigration Examination Fee Account	0	0	0	0	0	0	0
Transfers - JABS - From JIST	0	0	0	0	0	0	0
Transfers - JABS - To Components	0	0	2,090	1,900	0	1,900	1,140
Transfers - JCON and JCON S/TS - To Components	24	0	152	403	0	403	451
Transfers - JCON and JCON S/TS Transfers - From JIST	0	0	0	0	0	0	0
Transfers - DEA - From NOIC	0	0	0	8,026	0	8,026	0
Transfers - NDIC - To DEA	0	0	0	0	0	0	0
Transfers - New Technology - From LEWC	0	0	0	0	0	0	0
Transfers - New Technology - To Components	0	0	65,900	13,800	0	13,800	2,600
Transfers - Office of Information Policy (OIP) - From Components	0	0	-2,780	-310	0	-310	-332
Transfers - Office of Information Policy (OIP) - To GA	0	0	0	0	0	0	0
Transfers - Office of Legal Policy (OLP) - From Components	0	0	0	0	0	0	0
Transfers - Office of Legal Policy (OLP) - To GA	0	0	0	0	0	0	0
Transfers - Office of Professional Responsibility (OPR) - From Components	0	0	0	0	0	0	0
Transfers - Office of Professional Responsibility (OPR) - To GA	0	0	0	0	0	0	0
Transfers - Office of Tribal Justice (OTJ) - From Components	0	0	0	0	0	0	0
Transfers - Office of Tribal Justice (OTJ) - To GA	0	0	0	0	0	0	0
Transfers - Professional Responsibility Advisory Office (PRAO) - From Components	0	0	-59	-32	0	-32	-26
Transfers - Professional Responsibility Advisory Office (PRAO) - To GA	0	0	0	0	0	0	0
TOTAL TRANSFERS	24	0	66,333	23,787	0	23,787	3,833
DIRECT - INCREASES							
2014 Pay Raise	49	3,166	31,100	7,256	0	7,256	5,130
Annualization of 2012 Approved Positions (3rd Year)	0	0	190	0	0	0	0
Annualization of 2013 Pay Raise	44	526	5,513	1,177	0	1,177	857
Base Pay Adjustment	0	0	16,161	0	0	0	0
Employees Compensation Fund	10	7	2,024	203	0	203	46
Health Insurance	16	891	35,026	2,127	0	2,127	1,743
Retirement	6	502	14,450	1,153	0	1,153	649
Total Pay & Benefits	125	5,094	104,464	11,916	0	11,916	8,427
GSA Rent	98	22	18,361	0	0	0	0
Guard Service	14	1	0	-2,073	0	-2,073	1,833
Moves	200	58	-3,526	405	0	405	-4,630
Rental Payments - Non-GSA	0	0	0	0	0	0	0
Total Domestic Rent & Facilities	312	81	14,835	-1,668	0	-1,668	-2,797
Base Adjustment	0	0	0	0	0	0	0
Legacy Radio O&M	0	0	3,705	2,510	0	2,510	2,773
Other Adjustments to Base	0	0	0	0	0	0	0
RECA Program Adjustment	0	0	0	0	0	0	0
Spectrum Relocation	0	0	4,473	3,900	0	3,900	2,400
Working Capital Fund	0	0	3	374	0	374	209
Total Other Adjustments	0	0	8,181	6,784	0	6,784	5,382
Capital Security Cost Sharing	0	0	5,790	7,456	0	7,456	-243
Education Allowance	0	0	437	882	0	882	-41
Government Leased Quarters (GLQ)	0	0	1	3,019	0	3,019	-85
ICASS	0	0	1,756	1,876	0	1,876	55
Living Quarters Allowance (LOA)	0	0	29	-23	0	-23	26
Post Allowance - Cost of Living Allowance (COLA)	0	0	645	841	0	841	28
Total Foreign Expenses	0	0	8,658	14,051	0	14,051	-258
Annualization of 2011 Activation FCI Berlin, NH	0	0	0	0	0	0	0
Annualization of 2012 Activation FCI Aliceville, AL	0	0	0	0	0	0	0
Existing Contract Bed Adjustments - BOP	0	0	0	0	0	0	0
Food Cost Adjustments (BOP)	0	0	0	0	0	0	0
Inmate Care - BOP	0	0	0	0	0	0	0
JPATS Increase (BOP)	0	0	0	0	0	0	0
Medical Cost Adjustments (BOP)	0	0	0	0	0	0	0
Utility Costs Adjustments - BOP	0	0	0	0	0	0	0
Total Prison and Detention	0	0	0	0	0	0	0
TOTAL DIRECT INCREASES	437	5,175	136,138	31,083	0	31,083	10,754
DIRECT - DECREASES							
Non-Recrural of FY 2011 Non-Personnel	0	0	-11,867	0	0	0	0
Non-Recrural of FY 2012 Renter Safe Enhancement	0	0	-19,656	0	0	0	0
Non-Recrural of Non-Personnel	0	0	0	-10,000	-10,000	-10,000	0
Total Direct Decreases	0	0	-31,523	0	-10,000	-10,000	0
TOTAL RESOURCES	461	5,175	170,928	54,870	-10,000	44,870	14,587
Total FTE Adjustments	0	0	126	47	0	47	0
Total Position Adjustments	0	0	35	57	0	57	0

DEPARTMENT OF JUSTICE
ORGANIZATIONAL BASE ADJUSTMENTS
FY 2014 TOTAL
(Dollars in Thousands)

FY 2014 PRESIDENT'S BUDGET	FEDERAL PRISON SYSTEM			Subtotal DISC w/o S&L	JA	TOTAL DISCR Final	RECA	Diversion Control	TOTAL DOJ
	S&E	B&F	TOTAL						
RESOURCES- TRANSFERS									
Transfers - Administrative Positions - From OLC	0	0	0	570	0	570	0	0	570
Transfers - Administrative Positions - To OSG	0	0	0	-570	0	-570	0	0	-570
Transfers - DHS Immigration Examination Fee Account	0	0	0	4,000	0	4,000	0	0	4,000
Transfers - JABS - From JIST	0	0	0	-8,500	0	-8,500	0	0	-8,500
Transfers - JABS - To Components	1,615	0	1,615	9,500	0	9,500	0	0	9,500
Transfers - JCON and JCON S/TS - To Components	0	18	18	17,529	24	17,529	0	0	17,529
Transfers - JCON and JCON S/TS Transfers - From JIST	0	0	0	-17,529	0	-17,529	0	0	-17,529
Transfers - DEA - From NDIC	0	0	0	8,026	0	8,026	0	0	8,026
Transfers - NDIC - To DEA	0	0	0	-8,026	0	-8,026	0	0	-8,026
Transfers - New Technology - From LEWC	0	0	0	-87,000	0	-87,000	0	0	-87,000
Transfers - New Technology - To Components	0	0	0	87,000	0	87,000	0	0	87,000
Transfers - Office of Information Policy (OIP) - From Components	-1,394	0	-1,394	-6,988	-20	-6,988	0	0	-6,988
Transfers - Office of Information Policy (OIP) - To GA	0	0	0	6,988	0	6,988	0	0	6,988
Transfers - Office of Legal Policy (OLP) - From Components	0	0	0	-795	0	-795	0	0	-795
Transfers - Office of Legal Policy (OLP) - To GA	0	0	0	795	0	795	0	0	795
Transfers - Office of Professional Responsibility (OPR) - From Components	0	0	0	-618	0	-618	0	0	-618
Transfers - Office of Professional Responsibility (OPR) - To GA	0	0	0	618	0	618	0	0	618
Transfers - Office of Tribal Justice (OTJ) - From Components	0	0	0	-1,086	0	-1,086	0	0	-1,086
Transfers - Office of Tribal Justice (OTJ) - To GA	0	0	0	1,086	0	1,086	0	0	1,086
Transfers - Professional Responsibility Advisory Office (PRAO) - From Components	-60	0	-60	-3,675	-14	-3,675	0	0	-3,675
Transfers - Professional Responsibility Advisory Office (PRAO) - To GA	0	0	0	3,675	0	3,675	0	0	3,675
TOTAL TRANSFERS	179	0	179	4,000	0	4,000	0	0	4,000
DIRECT - INCREASES									
2014 Pay Rate	23,268	119	23,387	92,693	0	92,693	0	1,532	94,225
Annualization of 2012 Approved Positions (3rd Year)	0	0	0	190	0	190	0	6,809	6,999
Annualization of 2013 Pay Rate	4,245	22	4,267	16,382	0	16,382	0	209	16,591
Base Pay Adjustment	0	0	0	16,569	0	16,569	0	0	16,569
Employees Compensation Fund	3,613	0	3,613	6,602	0	6,602	0	5	6,607
Health Insurance	14,977	51	15,028	61,660	0	61,660	0	341	62,001
Retirement	8,433	52	8,485	30,261	0	30,261	0	145	30,410
Total Pay & Benefits	54,536	244	54,780	224,357	0	224,357	0	9,045	233,402
GSA Rent	1,463	0	1,463	43,054	0	43,054	0	0	43,054
Guard Service	1,272	0	1,272	1,475	0	1,475	0	-230	1,245
Moves	0	0	0	9,111	0	9,111	0	45	9,156
Rental Payments - Non-GSA	0	0	0	4,480	0	4,480	0	0	4,480
Total Domestic Rent & Facilities	2,735	0	2,735	58,120	0	58,120	0	-185	57,935
Base Adjustment	0	0	0	113	0	113	0	0	113
Legacy Radio O&M	0	0	0	11,707	0	11,707	0	0	11,707
Other Adjustments to Base	0	0	0	46	0	46	0	0	46
RECA Program Adjustment	0	0	0	0	0	0	-12,000	0	0
Spectrum Relocation	0	0	0	10,773	0	10,773	0	0	10,773
Working Capital Fund	14	0	14	826	0	826	0	0	826
Total Other Adjustments	14	0	14	23,465	0	23,465	-12,000	0	23,465
Capital Security Cost Sharing	0	0	0	9,223	0	9,223	0	0	9,223
Education Allowance	0	0	0	1,356	0	1,356	0	17	1,373
Government Leased Quarters (GLQ)	0	0	0	2,956	0	2,956	0	59	3,015
ICASS	0	0	0	5,026	0	5,026	0	27	5,053
Living Quarters Allowance (LQA)	0	0	0	46	0	46	0	0	46
Post Allowance - Cost of Living Allowance (COLA)	0	0	0	1,651	0	1,651	0	17	1,668
Total Foreign Expenses	0	0	0	20,252	0	20,252	0	120	20,372
Annualization of 2011 Activation FCI Berlin, NH	12,775	0	12,775	12,775	0	12,775	0	0	12,775
Annualization of 2012 Activation FCI Aliceville, AL	31,216	0	31,216	31,216	0	31,216	0	0	31,216
Expiring Contract Bed Adjustments - BOP	41,645	0	41,645	41,645	0	41,645	0	0	41,645
Food Cost Adjustments (BOP)	16,772	0	16,772	16,772	0	16,772	0	0	16,772
Inmate Care - BOP	-7,135	0	-7,135	-7,135	0	-7,135	0	0	-7,135
JPATS Increase (BOP)	2,031	0	2,031	2,031	0	2,031	0	0	2,031
Medical Cost Adjustments (BOP)	37,160	0	37,160	37,160	0	37,160	0	0	37,160
Utility Costs Adjustments - BOP	22,337	0	22,337	22,337	0	22,337	0	0	22,337
Total Prison and Detention	156,801	0	156,801	156,801	0	156,801	0	0	156,801
TOTAL DIRECT INCREASES	214,086	244	214,330	482,995	0	482,995	-12,000	8,980	481,975
DIRECT - DECREASES									
Non-Recruited of FY 2011 Non-Personnel	0	0	0	-11,887	0	-11,887	0	0	-11,887
Non-Recruited of FY 2012 Renter Safe Enhancement	0	0	0	-19,656	0	-19,656	0	0	-19,656
Non-Recruited of Non-Personnel	0	0	0	-10,000	0	-10,000	0	0	-10,000
Total Direct Decreases	0	0	0	-41,543	0	-41,543	0	0	-41,543
TOTAL RESOURCES	214,265	244	214,509	445,452	0	445,452	-12,000	8,980	442,432
Total FTE Adjustments	283	0	337	555	0	555	0	0	555
Total Position Adjustments	0	-36	-36	10	0	10	0	0	10

FY 2014 BUDGET REQUEST BY STRATEGIC GOAL
Discretionary and Mandatory ^{1/}: \$32.5 Billion
(Dollars in Billions)



□ SG 1: Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law

■ SG 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law

■ SG 3: Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal and International Levels

^{1/} Items not included in this chart:
Scorekeeping Credits of -\$11.6 Billion
Rescissions of -\$391.8 Million

Strategic Goal 1: Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law						
Appropriation	FY 2012 Enacted		FY 2013 Continuing Resolution ^{2/}		FY 2014 President's Budget	
	FTE	Amount	FTE	Amount	FTE	Amount
National Security Division	298	87,000	304	87,532	325	96,240
Criminal Division	151	19,543	74	13,449	77	13,636
U.S. Attorneys	356	52,059	356	52,059	356	52,705
U.S. Marshals Service - S&E	393	95,062	399	96,556	399	102,667
Federal Bureau of Investigation - S&E	17,762	4,484,725	17,393	4,487,090	17,632	4,589,576
Federal Bureau of Investigation - Construction	-	80,102	-	80,598	-	80,102
Drug Enforcement Administration - S&E	297	76,092	294	83,232	294	84,179
Bureau of Alcohol, Tobacco, Firearms and Explosives - S&E	2,032	460,810	1,921	463,600	1,906	478,647
Bureau of Prisons - Commissary Fund	674	-	675	-	729	-
Total Discretionary	21,963	\$ 5,355,393	21,416	\$ 5,364,116	21,718	\$ 5,498,152
Total Strategic Goal 1:	21,963	\$ 5,355,393	21,416	\$ 5,364,116	21,718	\$ 5,498,152

^{2/} 2013 is annualized Continuing Resolution level in effect on 2/28/2013 without reduction for sequestration.

FY 2014 BUDGET REQUEST BY STRATEGIC GOAL
Discretionary and Mandatory ^{1/}: \$32.5 Billion

Strategic Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law						
Appropriation	FY 2012 Enacted		FY 2013 Continuing Resolution ^{2/}		FY 2014 President's Budget	
	FTE	Amount	FTE	Amount	FTE	Amount
General Administration	577	110,822	559	111,500	558	124,592
National Drug Intelligence Center	104	20,000	-	20,122	-	-
Justice Information Sharing Technology	54	44,307	54	44,578	59	25,842
Law Enforcement Wireless Communications	20	87,000	5	87,532	-	-
Office of Pardon Attorney	14	2,725	14	2,742	18	3,578
Office of the Inspector General	465	84,199	454	84,714	452	85,845
Office of the Solicitor General	49	10,724	49	10,790	55	11,435
Tax Division	582	104,877	519	105,519	519	106,479
Criminal Division	940	154,457	809	154,741	839	162,138
Civil Division	1,438	283,103	1,357	284,836	1,363	297,313
Environment & Natural Resources Division	635	108,009	635	108,670	635	112,632
Office of Legal Counsel	28	7,605	28	7,682	20	7,170
Civil Rights Division	877	144,500	858	145,384	701	155,233
INTERPOL Washington	67	29,754	69	29,936	69	29,844
Office of Dispute Resolution	3	795	-	800	-	-
Antitrust Division	705	159,587	676	160,564	676	160,410
U.S. Attorneys	10,900	1,907,941	11,000	1,919,935	11,127	1,955,012
U.S. Trustees	1,216	223,258	1,202	224,624	1,202	225,728
Foreign Claims Settlement Commission	9	2,000	9	2,012	9	2,218
U.S. Marshals Service - S&E	1,681	411,388	1,626	414,018	1,623	415,730
Community Relations Service	45	11,456	44	11,526	48	12,464
Assets Forfeiture Fund	-	20,948	-	21,076	-	20,948
Interagency Crime & Drug Enforcement	(3277)	527,512	(3277)	530,740	(3133)	523,037
Federal Bureau of Investigation - S&E	15,389	2,920,751	15,238	2,947,466	15,447	3,024,459
Federal Bureau of Investigation - Construction	-	720	-	720	-	720
Drug Enforcement Administration - S&E	8,024	1,948,908	8,026	1,954,161	7,998	1,983,773
Drug Enforcement Administration - Construction	-	10,000	-	10,061	-	-
Bureau of Alcohol, Tobacco, Firearms and Explosives - S&E	2,797	691,180	2,882	695,490	3,025	750,671
Bureau of Prisons - S&E	71	9,682	71	9,741	71	9,876
State and Local Law Enforcement Assistance	-	124,000	-	124,759	-	203,000
Office on Violence Against Women	-	412,500	-	415,025	-	412,500
QVW (Salaries and Expenses)	58	(18186)	58	-	58	-
Total Discretionary	46,558	\$ 10,574,728	46,043	\$ 10,641,396	46,592	\$ 10,822,647
Antitrust Pre-Merger Filing Fee	-	\$ (110,000)	-	\$ (110,000)	-	\$ (102,300)
U.S. Trustees Fees and Interest on U.S. Securities	-	(261,829)	-	(261,829)	-	(261,490)
Total Fees Collections	-	\$ (391,829)	-	\$ (391,829)	-	\$ (363,790)
Independent Counsel	-	\$ 500	-	\$ 500	-	\$ 500
Radiation Exposure Compensation Trust Fund	-	80,000	-	94,000	-	82,000
Public Safety Officer's Death Benefits - Mandatory	-	62,000	-	62,000	-	65,000
Assets Forfeiture Fund (Permanent Budget Authority)	22	3,706,158	22	3,706,158	22	1,556,996
Antitrust Pre-Merger Filing Fee Collections	-	110,000	-	110,000	-	102,300
U.S. Trustees Fees Collections	-	281,829	-	281,829	-	261,490
Criminal Justice Information Services (FBI)	-	433,000	(1257)	433,000	(1257)	433,000
DEA-Diversion Control Fee	1,335	322,000	1,347	351,937	1,347	360,917
9/11 Victim Compensation Fund	-	200,000	-	322,000	-	200,000
Crime Victims Fund	-	705,000	-	705,000	-	800,000
Total Mandatory	1,357	\$ 5,880,487	1,369	\$ 6,066,424	1,369	\$ 3,862,203
HCFAC Mandatory Reimbursements	(194)	\$ 61,225	(194)	\$ 61,225	(194)	\$ 135,354
Federal Bureau of Investigation - Health Care Fraud	(776)	131,872	(776)	131,872	(776)	137,872
HCFAC Discretionary Reimbursement	-	29,674	-	29,674	-	29,789
Total HCF	-	\$ 222,771	-	\$ 222,771	-	\$ 303,015
Total Strategic Goal 2:	47,915	\$ 16,286,157	47,412	\$ 16,538,762	47,961	\$ 14,624,075

^{2/} 2013 is annualized Continuing Resolution level in effect on 2/28/2013 without reduction for sequestration.

FY 2014 BUDGET REQUEST BY STRATEGIC GOAL
Discretionary and Mandatory ^{1/}: \$32.5 Billion

Strategic Goal 3: Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal and International Levels						
Appropriation	FY 2012 Enacted		FY 2013 Continuing Resolution ^{2/}		FY 2014 President's Budget	
	FTE	Amount	FTE	Amount	FTE	Amount
General Administration	-	-	-	-	7	1,616
Executive Office for Immigration Review	1,435	302,275	1,359	304,125	1,464	329,569
U. S. Parole Commission	74	12,833	74	12,912	74	13,021
Criminal Division	-	-	69	6,875	69	6,725
U. S. Marshals Service - S&E	3,487	667,540	3,483	670,598	3,494	685,436
U. S. Marshals Service - Construction	-	15,000	-	15,092	-	10,000
U. S. Marshals Service - Federal Prisoner Detention	21	1,580,595	19	1,590,268	19	1,635,538
Federal Bureau of Investigation - S&E	2,368	631,515	3,326	651,621	3,363	747,652
Federal Bureau of Investigation - Construction	-	160	-	160	-	160
Bureau of Prisons - S&E	35,236	6,541,599	35,917	6,581,634	36,802	6,821,274
Bureau of Prisons - B&F	136	90,000	124	90,551	126	105,244
Bureau of Prisons - Federal Prison Industries	1,213	2,700	1,147	2,700	1,147	2,700
Research Evaluation and Statistic (JA)	-	113,000	-	113,692	-	134,400
Juvenile Justice Programs	-	262,500	-	264,107	-	332,500
State and Local Law Enforcement Assistance	-	1,038,500	-	1,044,856	-	802,000
Public Safety Officer's Benefits	-	16,300	-	16,400	-	16,300
QJP - Salaries and Expenses	628	-	601	-	611	-
Community Policing	-	198,500	-	199,715	-	439,500
COPS (Salaries and Expenses)	128	-	128	-	128	-
Total Discretionary	44,726	\$ 11,473,017	46,247	\$ 11,565,306	47,304	\$ 12,083,635
Fees and Expenses of Witnesses	-	\$ 270,000	-	\$ 270,000	-	\$ 270,000
Total Mandatory	-	\$ 270,000	-	\$ 270,000	-	\$ 270,000
Total Strategic Goal 3:	44,726	\$ 11,743,017	46,247	\$ 11,835,306	47,304	\$ 12,353,635

^{2/} 2013 is annualized Continuing Resolution level in effect on 2/28/2013 without reduction for sequestration.

**FY 2012 Performance Results
As of December 31, 2012**

Performance Measures by Strategic Goals:

Strategic Goal I: Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law

[] Designates the reporting entity	FY 2012 Revised Actual	FY 2013 Target	FY 2014 Target
Number of counterterrorism intelligence products shared with the U.S. Intelligence Community, state and local Law Enforcement Community partners, and foreign government agencies [FBI]	12,445	14,025	14,422

Strategic Goal II: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Laws

[] Designates the reporting entity	FY 2012 Revised Actual	FY 2013 Target	FY 2014 Target
Number of criminal enterprises engaging in white-collar crimes dismantled [FBI]	409	385	385
Percent increase in gang arrests resulting from coordination of gang investigations [FBI, ATF, DEA]	-16%	2%	2%
Number of intelligence products to support federal, state, and local law enforcement [FBI]	53	47	47
Number of matters/investigations of child sexual exploitation and human trafficking resolved [CRT, CRM, USA]	4,352	5,057	5,106
Consolidated Priority Organizations Target (CPOT)-linked drug trafficking organizations [DEA, FBI (Consolidated data - OCDETF)]			
Dismantled	171	145	145
Disrupted	446	340	340
Percent of cases favorably resolved: [ENRD, ATR, CRM, USA, TAX, CIV, CRT (Consolidated data - JMD/Budget Staff)]			
Criminal Cases	93%	90%	90%
Civil Cases	85%	80%	80%

Strategic Goal III: Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal, and International Levels

[] Designates the reporting entity	FY 2012 Revised Actual	FY 2013 Target	FY 2014 Target
Percent of system-wide crowding in federal prisons [BOP]	38%	38%	38%
Number of inmate participants in the Residential Drug Abuse Program (RDAP) [BOP]	14,482	16,044	16,781
Number of primary felony fugitives apprehended or cleared [USMS]	34,691	34,765	Discontinued

Discussion of FY 2012 Performance Results

Performance Measure: NEW MEASURE: Number of Counterterrorism Intelligence Products Shared with the U.S. Intelligence Community (IC), state and local law enforcement community partners, and foreign government agencies.

FY 2012 Target: 13,628

FY 2012 Actual: 12,445

Discussion of FY 2012 Results: The FBI missed the FY 2012 target for this measure. Based on feedback received from Other Government Agency (OGA), IC, and law enforcement partners, the FBI's Counter Terrorism Division (CTD) emphasized the production of high-value Intelligence Information Reports (IIRs), which addressed priority intelligence gaps or provided actionable intelligence to IC and law enforcement partners over low-value IIRs that served only to flood the system with non-actionable intelligence or information of little-to-no intelligence value. Although the emphasis on high-value IIRs resulted in missing the FY 2012 target, the change has been well-received by OGA, IC, and law enforcement partners. The CTD executive management will continue to focus on increased intelligence sharing in the effort to combat the terrorist threat.

Performance Measure: Number of Criminal Enterprises Engaging in White-Collar Crimes Dismantled

FY 2012 Target: 360

FY 2012 Actual: 409

Discussion of FY 2012 Results: The FBI met and exceeded the FY 2012 target for this measure through proactive investigative techniques and technological advances. Increased use of Group 1 Undercover Operations, Title IIIs, and other advanced techniques not commonly used in past white-collar crime (WCC) cases, enabled significant investigative achievements against WCC threat actors.

Performance Measure: NEW MEASURE: Percent increase in Gang Arrests Resulting from Coordination of Gang Investigations

FY 2012 Target: 2%

FY 2012 Actual: - 16%

Discussion of FY 2012 Results: There are three contributing DOJ components for this measure, namely, ATF, DEA, and FBI. The FY 2012 target for this measure was not met. While DEA met its target for the year, ATF and FBI numbers declined from FY 2011 baseline.

Addressing violent crime is one of the Attorney General's FY 2012-FY 2013 Priority Goals, and the National Gang Targeting, Enforcement & Coordination Center (GangTECC) section /Operational Section for Gangs (OSG) at DEA's Special Operations Division (SOD) has been a major participant in the success of this priority goal. Since merging under the operational direction of SOD in FY 2010, the GangTECC section within SOD has been successfully coordinating several high impact gang operations. In the 3 years prior to the SOD merger, Gang/TECC only supported approximately 100 cases. Under the operational direction of SOD, the GangTECC/OSG supported over 800 cases in just its first full year at SOD. Further, in FY 2012 with a target of 2% increase in gang arrests resulting from coordination, SOD-supported gang cases (DEA) accounted for 891 arrests, which represented a 4.4% increase from FY 2011.

In addition, as part of the GangTECC/OSG mission of coordinating significant local impact cases, the section also conducts outreach to state and locals, bringing them into the operations and providing support. During FY 2012, OSG conducted 34 outreach meetings throughout the country with federal, state and local law enforcement counterparts.

The FBI did not meet its FY 2012 target for this measure. In comparison to FY 2011, the FBI exceeded many statistical accomplishments during FY 2012. While the FBI's Violent Gang Safe Streets Task Forces (VGSSTFs) fell short of the FY 2012 target of 8,531 arrests, VGSSTFs dismantled 123 criminal organizations – the second highest dismantlement total of the past 13 fiscal years. In addition, FBI Special Agents and task force officers posted a greater number of indictments/information, convictions, and disruptions. The FBI views indictments, convictions, disruptions, and dismantlements as relevant measures as these statistical accomplishments show a greater impact on combating violent gangs. As of September 30, 2012, the VGSSTFs arrested 7,758 individuals; filed indictments/information against 4,292 subjects; convicted 3,149 defendants; and disrupted the activities of 1,557 criminal enterprises. The FBI recognizes that violent gangs are one of the biggest threats in the United States as 52 out of 56 FBI field offices have ranked violent gangs as a priority criminal threat. As of September 30, 2012, the FBI's safe streets and gang unit administered 164 VGSSTFs nationwide.

The ATF did not meet its FY 2012 target for this measure. ATF had 74 arrests in FY 2012, which is a 16 percent decrease from the FY 2011 baseline figure of 88 arrests. However, while the number of arrests is down, the total number of ATF cases coordinated through GangTECC has increased from 22 in FY 2011 to 108 in FY 2012. Approximately 70 percent of these cases were initiated during the 3rd and 4th quarters of FY 2012, and are expected to result in arrests and referrals for prosecution during FY 2013. Inclusive of the cases coordinated through GangTECC, in FY 2012, 1,889 gang-related and 1,500 trafficking-related defendants in ATF cases were convicted.

Performance Measure: NEW MEASURE: Number of Intelligence Products to Support Federal, State, and Local Law Enforcement

FY 2012 Target: 46

FY 2012 Actual: 53

Discussion of FY 2012 Results: The FBI met and exceeded the FY 2012 target for this measure. The National Gang Intelligence Center (NGIC) projected it would produce and disseminate 46 intelligence products in FY 2012. However, NGIC surpassed this goal by producing 53 intelligence products.

NGIC conducted outreach to law enforcement organizations to promote the existence and use of NGIC Online. Through NGIC Online, investigators throughout the country can submit requests for intelligence and analytical support electronically and receive the resulting analytical products electronically. NGIC Online also allows the requestor to check the status of the request online. As a result of the successful implementation of NGIC Online, law enforcement officers can obtain gang intelligence more quickly and effectively. NGIC Online thus represents, and promotes, the efficient use of law enforcement resources.

Performance Measure: NEW MEASURE: Number of Matters/Investigations of Child Sexual Exploitation and Human Trafficking Resolved

FY 2012 Target: 4,938

FY 2012 Actual: 4,352

Discussion of FY 2012 Results: The Department did not meet the FY 2012 target for this measure. Specifically, two factors contributed to the slower progress in resolving matters/investigations concerning the sexual exploitation of children and human trafficking. First, the Criminal Division resolved an unusually large number of matters in FY 2011 (a large international child pornography ring was investigated and charged in FY 2011, resulting in a large number of matters resolved), which produced a high FY 2011 baseline. And second, an increasing sophistication of offenders' technologies helps them evade detection. As a result, investigations of individual matters are more complicated, costly, and time consuming.

Performance Measure: CPOT-Linked Drug Trafficking Organizations Disrupted and Dismantled

FY 2012 Target:

Dismantled; 145

Disrupted: 340

FY 2012 Actual:

Dismantled: 171

Disrupted: 446

Discussion of FY 2012 Results: The Department achieved impressive results during FY 2012 in dismantling and disrupting CPOT-linked drug trafficking organizations. The Department dismantled 171 CPOT-linked organizations in FY 2012, exceeding its target by 18%. The Department disrupted 446 CPOT-linked organizations in FY 2012, exceeding its target by 31%. This is an 8% increase over the 414 reported for FY 2011.

The Department's FY 2012 success of dismantling or disrupting a total of 617 CPOT-linked drug trafficking organizations is an increase over the previous high of 612 dismantled or disrupted in FY 2011. Also, significant enforcement actions against CPOTs themselves have resulted in keeping multi-ton quantities of illegal drugs such as cocaine, heroin, marijuana and methamphetamine from ever entering the United States.

Performance Measure: Percent of Cases Favorably Resolved

FY 2012 Target:

Criminal Cases: 90%

Civil Cases: 80%

FY 2012 Actual:

Criminal Cases: 92%

Civil Cases: 81%

Discussion of FY 2012 Results: The Department exceeded its FY 2012 target for this measure. The Department was able to successfully litigate cases involving banking and mortgage fraud, health care fraud, and cases involving antitrust violators, tax evaders, and environmental polluters. Among the DOJ components sharing responsibilities to achieve this goal are the U.S. Attorneys, and the Antitrust, Civil, Civil Rights, Criminal, Environmental and Natural Resources, and Tax Divisions.

Performance Measure: Percent of System-wide Crowding in Federal Prisons

FY 2012 Target: 37%

FY 2012 Actual: 38%

Discussion of FY 2012 Results: During FY 2012, the overall BOP population increased by 919. Although the BOP did not achieve its FY 2012 overcrowding target, the institution population decreased by 378 and the capacity increased by 564 beds by activating Federal Correctional Institution (FCI) Mendota, CA, and FCI Berlin, (NH), to achieve a one percent reduction in system-wide crowding from FY 2011. Reducing overcrowding remains a high priority for both BOP and DOJ.

In FY 2013, BOP will continue the activation process at FCI Berlin, NH, and the Secure Female FCI Aliceville, AL, in addition to completing construction of FCI Hazelton, WV, and USP Yazoo City, MS. Depending on funding, this additional capacity should help alleviate crowding in FY 2013. In addition, the BOP purchased the Thomson Correctional Center at the end of FY 2012. This facility will add needed high-security beds to help alleviate the overcrowding in federal prisons.

Performance Measure: NEW MEASURE: Number of inmate participants in RDAP

FY 2012 Target: 18,500 (establish baseline)

FY 2012 Actual: 14,482

Discussion of FY 2012 Results: The BOP approved 120 additional RDAP positions which enable an additional 1,616 inmates to participate in the program. BOP opened an RDAP in a United States Penitentiary for the first time in 15 years. A Spanish Language RDAP was approved this year with activation to occur in FY 2013.

The target of 18,500 was generated using a calculation of all inmate movement into and out of the RDAP. Through closer review, BOP determined this methodology resulted in the potential for the same inmate to be counted twice within the same fiscal year. BOP has now developed a more refined methodology to calculate RDAP participation, with significantly less potential for duplication. This more precise methodology will be used going forward. Thus, while this change in methodology has resulted in the fewer number of participants during the fiscal year than the targeted number, it is a preferred method to report inmate participation in RDAP.

Performance Measure: Number of Primary Federal Felony Fugitives Apprehended or Cleared

FY 2012 Target: 34,421

FY 2012 Actual: 34,691

Discussion of FY 2012 Results: In FY 2012, the USMS exceeded its FY 2012 target for this measure. The USMS apprehended or cleared 36,229 primary federal felony fugitives, exceeding the target of 34,421. This resulted in 50 percent of total primary federal felony fugitives apprehended or cleared which is half of the 72,001 warrants on hand or received during FY 2012. Among those arrested, 3,934 (including state/local) were for crimes of homicide, 4,917 (including state/local) were gang members, and 12,976 (including state/local) were sex offenders. In addition, in FY 2012, the USMS had 924 fugitives extradited or deported to the United States from other countries.

2014 PROPOSED APPROPRIATIONS LANGUAGE
Department of Justice

The information provided below provides the proposed appropriations language, by account, for the Department of Justice for 2014. New language proposed for 2014 is italicized and underlined, and 2013 enacted language proposed for deletion is bracketed. In addition, any substantive changes from the Department of Justice Appropriations Act for 2013 are described in more detail; changes such as new funding levels, changes in the number of motor vehicles, changes in references to fiscal years, minor program name changes, and deletion of references to emergency funding designations and prior year rescissions are not discussed.

Program	Appropriations Language
General Administration, Salaries and Expenses	<p>For expenses necessary for the administration of the Department of Justice, [\$110,822,000] <u><i>\$126,208,000</i></u>, of which not to exceed \$4,000,000 for security and construction of Department of Justice facilities shall remain available until expended; <u><i>Provided, That the Attorney General is authorized to transfer funds appropriated within the General Administration to any office in this account; Provided further, That this transfer authority is in addition to transfers authorized under section 504 of this Act.</i></u></p> <p>JUSTIFICATION: This restores transfer authority historically included in the General Administration language.</p>
Justice Information Sharing Technology	<p>For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, [\$33,426,000] <u><i>\$25,842,000</i></u>, to remain available until expended; <u><i>Provided, That the Attorney General may transfer up to \$35,400,000 to this account, from funds available to the Department of Justice for information technology, for enterprise-wide information technology initiatives; Provided further, That the transfer authority in the preceding proviso is in addition to any other transfer authority contained in this Act.</i></u></p> <p>JUSTIFICATION: New language is proposed to provide the Attorney General with additional transfer authority for reinvestment in DOJ enterprise-wide information technology initiatives. This reinvestment pool is established by authorizing the transfer of component funding up to a certain cap into the JIST account. This new language meets the intent of the Administration's guidance related to Improving Management of Information Technology Investments.</p>
Administrative Review and Appeals	<p>For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, [\$313,438,000] <u><i>\$333,147,000</i></u>, of which \$4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the "Immigration Examinations Fee" account. <u><i>Of the amount provided:</i></u></p> <ul style="list-style-type: none"> <u><i>(1) \$5,000,000 is for Executive Office for Immigration Review information technology systems and shall remain available until expended;</i></u> <u><i>(2) \$10,000,000 is for the Executive Office for Immigration Review Legal Orientation Program; and</i></u> <u><i>(3) \$4,000,000 is for the Executive Office for Immigration Review to develop, implement and evaluate a pilot program to provide counsel for unaccompanied alien children; Provided, That such pilot program shall be carried out in consultation with the Department of Health and Human Services, the Department of Homeland Security and relevant non-governmental organizations and experts.</i></u>

Administrative Review and Appeals (continued)	JUSTIFICATION: New language is proposed to provide the Executive Office for Immigration Review with no-year carryover authority for the eWorld document management system initiative. Funding is also identified for the Legal Orientation program and the unaccompanied alien children program.
Detention Trustee (also see U.S. Marshals Service, Federal Prisoner Detention)	<p><u>(cancellation)</u></p> <p><u>Of the unobligated balances from prior year appropriations available under this heading, \$80,000,000 are hereby permanently cancelled: Provided, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.</u></p> <p>JUSTIFICATION: The FY 2013 appropriation transferred Detention Trustee funds from the Detention Trustee account to the USMS Federal Prisoner Detention account, but the FY 2014 request was prepared assuming that the organizational transfer had not yet occurred. Therefore, this cancellation must be moved to the USMS Federal Prisoner Detention account.</p>
Office of the Inspector General	<p>For necessary expenses of the Office of Inspector General, [\$85,985,000] <u>\$85,845,000</u>, including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.</p> <p>NO SIGNIFICANT CHANGES.</p>
United States Parole Commission, Salaries and Expenses	<p>For necessary expenses of the United States Parole Commission as authorized, [\$12,722,000] <u>\$13,021,000</u>.</p> <p>NO SIGNIFICANT CHANGES.</p>
General Legal Activities, Salaries and Expenses	<p>For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, [\$881,000,000] <u>\$902,605,000</u>, of which not to exceed \$10,000,000 for litigation support contracts shall remain available until expended: <i>Provided</i>, That of the total amount appropriated, not to exceed \$9,000 shall be available to INTERPOL Washington for official reception and representation expenses: <i>Provided further</i>, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: <i>Provided further</i>, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section [505] <u>504</u> of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: <i>Provided further</i>, That of the amount appropriated, such sums as may be necessary shall be available to reimburse the Office of Personnel Management for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (42 U.S.C. 1973f): <i>Provided further</i>, That of the amounts provided under this heading for the election monitoring program, \$3,390,000 shall remain available until expended.</p> <p>In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act</p>

General Legal Activities, Salaries and Expenses (continued)	<p>of 1986, not to exceed \$7,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.</p> <p>NO SIGNIFICANT CHANGES.</p>
Antitrust Division, Salaries and Expenses	<p>For expenses necessary for the enforcement of antitrust and kindred laws, [\$162,170,000] <u>\$160,410,000</u>, to remain available until expended: <i>Provided</i>, That notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be [\$115,000,000] <u>\$102,300,000</u> in fiscal year [2013] <u>2014</u>), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: <i>Provided further</i>, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year [2013] <u>2014</u>, so as to result in a final fiscal year [2013] <u>2014</u> appropriation from the general fund estimated at [\$47,170,000] <u>\$58,110,000</u>.</p> <p>NO SIGNIFICANT CHANGES.</p>
United States Attorneys, Salaries and Expenses	<p>For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, [\$1,969,687,000] <u>\$2,007,717,000</u>: <i>Provided</i>, That of the total amount appropriated, not to exceed \$7,200 shall be available for official reception and representation expenses: <i>Provided further</i>, That not to exceed \$25,000,000 shall remain available until expended: <i>Provided further</i>, That each United States Attorney shall establish or participate in a United States Attorney-led task force on human trafficking: <i>Provided further</i>, That of the total amount appropriated, \$10,000,000 shall only be available after the Attorney General certifies that each United States Attorney is participating in a United States Attorney-led task force on human trafficking].</p> <p>JUSTIFICATION: The FY 2014 request proposes to delete language requiring each U.S. Attorney to establish or participate in a U.S. Attorney-led human trafficking task force. U.S. Attorneys have established task forces and remain committed to enforcing Anti-Human Trafficking Laws.</p>
Foreign Claims Settlement Commission, Salaries and Expenses	<p>For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, [\$2,000,000] <u>\$2,218,000</u>.</p> <p>NO SIGNIFICANT CHANGES.</p>
United States Marshals Service, Salaries and Expenses	<p>For necessary expenses of the United States Marshals Service, [\$1,196,000,000] <u>\$1,204,033,000</u>, of which not to exceed \$6,000 shall be available for official reception and representation expenses, and not to exceed \$15,000,000 shall remain available until expended.</p> <p style="text-align: right;"><i>(cancellation)</i></p> <p><u><i>Of the unobligated balances from prior year appropriations under this heading, \$12,200,000 are hereby permanently cancelled: Provided, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.</i></u></p> <p>NO SIGNIFICANT CHANGES.</p>

United States Marshals Service, Construction	<p>For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, \$10,000,000, to remain available until expended.</p> <p>NO SIGNIFICANT CHANGES.</p>
United States Marshals Service, Federal Prisoner Detention	<p>For necessary expenses related to United States prisoners in the custody of the United States Marshals Service as authorized by [section 4013 of title 18, United States Code] <u>18 U.S.C. 4013</u>, [\$1,647,383,000] <u>\$1,635,538,000</u>, to remain available until expended: <i>Provided</i>, That not to exceed \$20,000,000 shall be considered "funds appropriated for State and local law enforcement assistance" pursuant to [section 4013(b) of title 18, United States Code] <u>18 U.S.C. 4013(b)</u>: <i>Provided further</i>, That the United States Marshals Service shall be responsible for managing the Justice Prisoner and Alien Transportation System: <i>Provided further</i>, That [any] unobligated balances [available from funds appropriated] <u>from the funds appropriated</u> under the heading "General Administration, Detention Trustee" <u>after the cancellation of funds therein</u> shall be transferred to and merged with [the appropriation under this heading] this account.</p> <p>JUSTIFICATION: The FY 2013 appropriation transferred Detention Trustee funds from the Detention Trustee account to the USMS Federal Prisoner Detention account, but the FY 2014 request was prepared assuming that the organizational transfer had not yet occurred. Therefore the cancellation currently under the Detention Trustee account must be moved to this account. Further, the last proviso should be struck.</p>
Fees and Expenses of Witnesses	<p>For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, \$270,000,000, to remain available until expended, of which not to exceed [\$10,000,000] <u>\$16,000,000</u> is for construction of buildings for protected witness safesites; not to exceed \$3,000,000 is for the purchase and maintenance of armored and other vehicles for witness security caravans; and not to exceed \$11,000,000 is for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.</p> <p>NO SIGNIFICANT CHANGES.</p>
Community Relations Service, Salaries and Expenses	<p>For necessary expenses of the Community Relations Service, [\$12,036,000] <u>\$12,464,000</u>: <i>Provided</i>, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: <i>Provided further</i>, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section [505]504 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.</p> <p>NO SIGNIFICANT CHANGES.</p>

<p>United States Trustee System Fund</p>	<p>For necessary expenses of the United States Trustee Program, as authorized, [\$223,258,000] <u>\$225,728,000</u>, to remain available until expended and to be derived from the United States Trustee System Fund: [Provided, That not less than \$1,500,000 shall be for debtor audits:] <i>Provided</i> [further], That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: <i>Provided further</i>, That, notwithstanding any other provision of law, [\$223,258,000] <u>\$225,728,000</u> of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: <i>Provided further</i>, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year [2013] <u>2014</u>, so as to result in a final fiscal year [2013] <u>2014</u> appropriation from the Fund estimated at \$0.</p>
<p>United States Trustee System Fund (continued)</p>	<p>JUSTIFICATION: Debtor audit language is struck because it limits agency discretion in using funds.</p>
<p>Assets Forfeiture Fund</p>	<p style="text-align: center;"><u>(including cancellation)</u></p> <p>For expenses authorized by [subparagraphs (B), (F), and (G) of section 524(c)(1) of title 28, United States Code,] <u>28 U.S.C. 524(c)(1)(B), (F), and (G)</u>, \$20,948,000, to be derived from the Department of Justice Assets Forfeiture Fund.</p> <p><u>Of the unobligated balances available under this heading, \$675,000,000 are hereby permanently cancelled.</u></p> <p>NO SIGNIFICANT CHANGES.</p>
<p>National Security Division, Salaries and Expenses</p>	<p>For expenses necessary to carry out the activities of the National Security Division, [\$90,039,000:] <u>\$96,240,000</u>, of which not to exceed \$5,000,000 for information technology systems shall remain available until expended: <i>Provided</i>, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: <i>Provided further</i>, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section [505] <u>504</u> of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.</p> <p>NO SIGNIFICANT CHANGES.</p>
<p>Interagency Crime and Drug Enforcement</p>	<p>For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking, and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, [\$521,793,000] <u>\$523,037,000</u>, of which \$50,000,000 shall remain available until expended: <i>Provided</i>, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.</p> <p>NO SIGNIFICANT CHANGES.</p>

Federal Bureau of Investigation, Salaries and Expenses	<p>For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States, [\$8,185,007,000, of which] <u>\$8,361,687,000: Provided, That</u> not to exceed \$216,900,000 shall remain available until expended: <u>Provided further</u>, That not to exceed \$184,500 shall be available for official reception and representation expenses. [Provided further, That \$500,000 shall be for a comprehensive review of the implementation of the recommendations related to the Federal Bureau of Investigation that were proposed in the report issued by the National Commission on Terrorist Attacks Upon the United States.]</p> <p style="text-align: center;"><u>(cancellation)</u></p> <p><u>Of the unobligated balances from prior year appropriations under this heading, \$150,000,000 are hereby permanently cancelled: Provided, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.</u></p>
Federal Bureau of Investigation, Salaries and Expenses (continued)	<p>JUSTIFICATION: The FY 2013 appropriation terminated the LEWC appropriation and transferred funding to the FBI for IWN development requirements and to the FBI, DEA, ATF and USMS for legacy radio operations and maintenance. Funding for IWN development will continue to be no-year as reflected by the \$66,900,000 increase to the FBI's current carryover authority.</p>
Federal Bureau of Investigation, Construction	<p>For necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings, facilities and sites by purchase, or as otherwise authorized by law; conversion, modification and extension of Federally-owned buildings; preliminary planning and design of projects; and operation and maintenance of secure work environment facilities and secure networking capabilities; \$80,982,000, to remain available until expended.</p> <p>NO SIGNIFICANT CHANGES.</p>
Drug Enforcement Administration, Salaries and Expenses	<p>For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character pursuant to [section 530C of Title 28, United States Code] <u>28 U.S.C. 530C</u>; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, [\$2,050,904,000] <u>\$2,067,952,000</u>; of which not to exceed \$75,000,000 shall remain available until expended and not to exceed \$90,000 shall be available for official reception and representation expenses.</p> <p style="text-align: center;"><u>(cancellation)</u></p> <p><u>Of the unobligated balances from prior year appropriations under this heading, \$10,000,000 are hereby permanently cancelled: Provided, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.</u></p> <p>NO SIGNIFICANT CHANGES.</p>

Bureau of Alcohol,
Tobacco, Firearms and
Explosives,
Salaries and Expenses

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, [~~\$1,153,345,000~~] \$1,229,518,000, of which not to exceed \$36,000 shall be for official reception and representation expenses, not to exceed \$1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code, and not to exceed [~~\$15,000,000~~] \$20,000,000 shall remain available until expended: *Provided*, That, in the current fiscal year and any fiscal year thereafter, no funds appropriated under this or any other Act shall be used pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to section 478.118 of title 27, Code of Federal Regulations, or to change the definition of "Curios or relics" in section 478.11 of title 27, Code of Federal Regulations, or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994:] *Provided, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees:* *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under [section 925(c) of title 18, United States Code] 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments: *Provided further*, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code:] *Provided further, That no funds appropriated under this or any other Act may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(q) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section, except to: (1) a Federal, State, local, or tribal law enforcement agency, or a Federal, State, or local prosecutor; or (2) a foreign law enforcement agency solely in connection with or for use in a criminal investigation or prosecution; or (3) a Federal agency for a national security or intelligence purpose; unless such disclosure of such data to any of the entities described in (1), (2) or (3) of this proviso would compromise the identity of any undercover law enforcement officer or confidential informant, or interfere with any case under investigation; and no person or entity described in (1), (2) or (3) shall knowingly and publicly disclose such data; and all such data shall be immune from legal process, shall not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used, relied on, or disclosed in any manner, nor shall testimony or other evidence be permitted based on the data, in a civil action in any State (including the District of Columbia) or Federal court or in an administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of chapter 44 of such title, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent: (A) the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as*

Bureau of Alcohol,
Tobacco, Firearms and
Explosives,
Salaries and Expenses
(continued)

defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title); (B) the sharing or exchange of such information among and between Federal, State, local, or foreign law enforcement agencies, Federal, State, or local prosecutors, and Federal national security, intelligence, or counterterrorism officials; or (C) the publication of annual statistical reports on products regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives, including total production, importation, and exportation by each licensed importer (as so defined) and licensed manufacturer (as so defined), or statistical aggregate data regarding firearms traffickers and trafficking channels, or firearms misuse, felons, and trafficking investigations: Provided further, That no funds made available by this or any other Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: Provided further, That [in the current fiscal year and any fiscal year thereafter] no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986.

(cancellation)

Of the unobligated balances from prior year appropriations under this heading, \$12,400,000 are hereby permanently cancelled: Provided, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

JUSTIFICATION. The Department proposes to delete the proviso prohibiting amending or changing the definition of curio or relic. The Department also proposes to delete a proviso that prohibits ATF from initiating notice and comment rulemaking to explore whether and how federal firearms licensees might be required to account for their firearms inventory, as the absence of such accountability undermines ATF's ability to investigate lost or stolen weapons in a timely manner. The Department also includes three provisos that historically have been repeated annually in spite of hereafter/thereafter language that made them permanent. The Department's FY 2013 appropriation did not include these provisos, and we agree that they are not necessary. Finally, the Department has deleted hereafter/thereafter language in certain provisos since they are typically included annually.

Federal Prison System,
Salaries and Expenses

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, [including purchase (not to exceed 835, of which 808 are for replacement only) and hire of law enforcement and passenger motor vehicles,] and for the provision of technical assistance and advice on corrections related issues to foreign governments, [\$6,820,217,000] \$6,831,150,000: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: Provided further, That not to exceed \$5,400 shall be available for official reception and representation expenses: Provided further, That not to exceed \$50,000,000 shall remain available for necessary operations until

Federal Prison System, Salaries and Expenses (continued)	<p>September 30, [2014] 2015: <i>Provided further</i>, That, of the amounts provided for contract confinement, not to exceed \$20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses [authorized by section 501(c) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note), for the care and security in the United States of Cuban and Haitian entrants]: <i>Provided further</i>, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities [: <i>Provided further</i>, That of the amount provided under this heading, not less than \$99,496,000 shall be for activation of newly constructed prisons in Berlin, New Hampshire, Aliceville, Alabama, Yazoo City, Mississippi, and Hazelton, West Virginia, as requested in the Department's fiscal year 2013 budget].</p> <p>JUSTIFICATION. The Department proposes the deletion of the provision for the care and security of Cuban and Haitian entrants, as the level of applicable entrants is minimal and it limits BOP's use of carryover authority and operational flexibility. BOP will continue to use its base resources to provide for the care and security of the Mariel Cubans that remain in BOP custody.</p>
Federal Prison System, Buildings and Facilities	<p>For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, [\$90,000,000] \$105,244,000, to remain available until expended, of which not less than [\$66,965,000] \$67,148,000 shall be available only for modernization, maintenance and repair, and of which not to exceed \$14,000,000 shall be available to construct areas for inmate work programs: <i>Provided</i>, That labor of United States prisoners may be used for work performed under this appropriation.</p> <p style="text-align: center;"><u>(cancellation)</u></p> <p><u>Of the unobligated balances from prior year appropriations available under this heading, \$30,000,000 are hereby permanently cancelled: <i>Provided</i>, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.</u></p> <p>NO SIGNIFICANT CHANGES.</p>
Federal Prison System, Federal Prison Industries, Incorporated	<p>The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation[, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles].</p> <p>Limitation on Administrative Expenses, Federal Prison Industries, Incorporated</p> <p>Not to exceed \$2,700,000 of the funds of the Federal Prison Industries, Incorporated shall be available for its administrative expenses, and for services as</p>

Federal Prison System,
Federal Prison Industries,
Incorporated
(continued)

authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

JUSTIFICATION. The Department proposes to delete the vehicle section in order to be consistent with the Federal Prison System, Salaries and Expenses account.

Office of Justice
Programs,
Research, Evaluation,
and Statistics

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"); the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Justice for All Act of 2004 (Public Law 108-405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"); the Victims of Child Abuse Act of 1990 (Public Law 101-647); the Second Chance Act of 2007 (Public Law 110-199); the Victims of Crime Act of 1984 (Public Law 98-473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) ("the Adam Walsh Act"); the PROTECT Our Children Act of 2008 (Public Law 110-401); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107-296) ("the 2002 Act"); the NICS Improvement Amendments Act of 2007 (Public Law 110-180); and other programs; [\$127,000,000] \$134,400,000, to remain available until expended, of which-

(1) [\$48,000,000] \$52,900,000 is for criminal justice statistics programs, and other activities, as authorized by part C of title I of the 1968 Act, of which \$36,000,000 is for the administration and redesign of the National Crime Victimization Survey;

(2) [\$43,000,000] \$44,500,000 is for research, development, and evaluation programs, and other activities as authorized by part B of title I of the 1968 Act and subtitle D of title II of the 2002 Act; *Provided*, That of the amounts provided under this heading, \$5,000,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards from the National Institute of Justice for research, testing and evaluation programs;

(3) [\$1,000,000] \$3,000,000 is for an evaluation clearinghouse program; [and]

(4) [\$35,000,000] \$25,000,000 is for regional information sharing activities, as authorized by part M of title I of the 1968 Act; and

(5) \$9,000,000 is for activities to strengthen and enhance the practice of forensic sciences, of which \$1,000,000 is for the support of a Forensic Science Advisory Committee to be chaired by the Attorney General and the Director of the National Institute of Standards and Technology, \$3,000,000 is for transfer to the National Institute of Standards and Technology under the heading "Scientific and Technical Research and Services" for measurement science and standards in support of forensic science, and \$5,000,000 is for transfer to the National Science Foundation under the heading "Research and Related Activities" for a forensic science grant program to establish forensic science research centers.

JUSTIFICATION: Adds the NICS Improvement Amendments Act of 2007 and the 1994 Act to the list of authorizations; and deletes language pertaining to the transfer of funds from the National Institute of Justice to the National Institute of Standards and Technology's Office of Law Enforcement Standards for research, testing and evaluation programs; as well as that for the National Crime Victimization Survey. It also adds funding for forensic related activities.

Office of Justice
Programs,
State and Local Law
Enforcement Assistance

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Justice for All Act of 2004 (Public Law 108-405); the Victims of Child Abuse Act of 1990 (Public Law 101-647) ("the 1990 Act"); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109-164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) ("the Adam Walsh Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386); the NICS Improvement Amendments Act of 2007 (Public Law 110-180); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107-296) ("the 2002 Act"); the Second Chance Act of 2007 (Public Law 110-199); the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110-403); the Victims of Crime Act of 1984 (Public Law 98-473); the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110-416); and other programs; \$1,140,418,000, \$1,005,000,000, to remain available until expended as follows-

(1) [\$392,418,000] \$395,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of title I of the 1968 Act shall not apply for purposes of this Act), of which, notwithstanding such subpart 1, \$2,000,000 is for a program to improve State and local law enforcement intelligence capabilities including antiterrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process, [\$4,000,000] \$2,000,000 is for a State, local, and tribal assistance help desk and diagnostic center program, [\$5,000,000] \$15,000,000 is for a Preventing Violence Against Law Enforcement Officer Resilience and Survivability Initiative (VALOR), [\$6,000,000] is for a criminal justice reform and recidivism reduction program and \$4,000,000 is for use by the National Institute of Justice for research targeted toward developing a better understanding of the domestic radicalization phenomenon, and advancing evidence-based strategies for effective intervention and prevention] \$10,000,000 is for an initiative to support evidence-based policing, \$5,000,000 is for an initiative to enhance prosecutorial decision-making, and \$2,500,000 for objective, nonpartisan voter education about, and a plebiscite on, options that would resolve Puerto Rico's future political status, which shall be provided to the State Elections Commission of Puerto Rico: Provided, That funds provided for the plebiscite under the previous proviso shall not be obligated until 45 days after the Attorney General notifies the Committees on Appropriations that he approves of an expenditure plan from the Commission for voter education and plebiscite administration, including approval of the plebiscite ballot; Provided further, That the notification shall include a finding that the voter education materials, plebiscite ballot, and related materials are not incompatible with the Constitution and laws and policies of the United States: Provided further, That no Edward Byrne Memorial Justice Assistance Grant may be made by the Attorney General to any unit of local government (other than an Indian tribe) if the allocation thereto, pursuant to section 505(d)(2)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755(d)(2)(A)), is less than \$25,000;

(2) \$40,000,000 for an Edward Byrne Memorial incentive grant program, of which \$15,000,000 is for incentive grants to states and localities that use a portion of Edward Byrne Memorial Justice Assistance Grant program funding for evidence-based strategies and interventions and \$25,000,000 is for incentive grants for states and localities using a portion of Edward Byrne Memorial Justice Assistance Grant program funding for justice system realignment efforts;

[(2) \$255,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C.

Office of Justice
Programs,
State and Local Law
Enforcement Assistance
(continued)

1231(i)(5)): Provided, That no jurisdiction shall request compensation for any cost greater than the actual cost for Federal immigration and other detainees housed in State and local detention facilities;]

[(3)] \$5,000,000 for a border prosecutor initiative to reimburse State, county, parish, tribal, or municipal governments for costs associated with the prosecution of criminal cases declined by local offices of the United States Attorneys;]

[(4)] [(3)] \$19,000,000] \$15,000,000 for competitive 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);

[(5)] \$13,500,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106-386 and for programs authorized under Public Law 109-164;]

[(6)] [(4)] \$41,000,000] \$44,000,000 for Drug Courts, as authorized by section 1001(a)(25)(A) of title I of the 1968 Act;],

[(7)] \$9,000,000 for] mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act;], and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110-416), and other criminal justice system problem-solving grants;

[(8)] [(5)] \$12,500,000] \$19,000,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

[(9)] [(6)] \$3,000,000] \$2,000,000 for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108-405, and for grants for wrongful conviction review;

[(10)] [(7)] \$9,000,000 for economic, high technology and Internet crime prevention grants, including as authorized by section 401 of Public Law 110-403; of which \$2,500,000 for intellectual property enforcement grants, including as authorized by section 401 of Public Law 110-403;

[(11)] \$4,000,000 for a student loan repayment assistance program pursuant to section 952 of Public Law 110-315;]

[(12)] \$20,000,000 for implementation of the Adam Walsh Act and related activities;]

[(13)] \$13,000,000 for an initiative relating to children exposed to violence;]

[(14)] [(8)] \$18,000,000] \$35,000,000 for an Edward Byrne Memorial criminal justice innovation program;

[(15)] \$21,500,000 for the matching grant program for law enforcement armor vests, as authorized by section 2501 of title I of the 1968 Act: Provided, That \$1,500,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards for research, testing and evaluation programs;]

[(16)] [(9)] \$1,000,000 for the National Sex Offender Public Web site;

[(17)] [(10)] \$5,000,000 for competitive and evidence-based programs to reduce gun crime and gang violence;

[(18)] [(11)] \$12,000,000] \$5,000,000 for grants to assist State and tribal governments and related activities as authorized by the NICS Improvement Amendments Act of 2007 (Public Law 110-180);

[(19)] [(12)] \$6,000,000] \$50,000,000 for the National Criminal History Improvement Program for grants to upgrade criminal and mental health records necessary for the functioning of the National Instant Criminal Background Check System;

[(20)] \$12,000,000 for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the 1968 Act;]

[(21)] \$125,000,000 for DNA-related and forensic programs and activities, of which.]

Office of Justice
Programs,
State and Local Law
Enforcement Assistance
(continued)

[(A) \$117,000,000 is for a DNA analysis and capacity enhancement program and for other local, State, and Federal forensic activities, including the purposes authorized under section 2 of the DNA Analysis Backlog Elimination Act of 2000 (the Debbie Smith DNA Backlog Grant Program): Provided, That up to 4 percent of funds made available under this paragraph may be used for the purpose described in the DNA training and Education for Law Enforcement, Correctional Personnel, and Court Officers program (Public Law 108-405, section 303);]

[(B) \$4,000,000 is for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Program (Public Law 108-405, section 412); and]

[(C) \$4,000,000 is for Sexual Assault Forensic Exam Program Grants, including as authorized by section 304 of Public Law 108-405];

[(22) \$6,000,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;]

[(23) \$38,000,000 for assistance to Indian tribes;]

[(13) \$7,000,000 for a program to monitor prescription drugs and scheduled listed chemical products;]

[(14) \$10,500,000 for prison rape prevention and prosecution grants to States and units of local government, and other programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108-79), including statistics, data, and research; of which not more than \$150,000 of these funds shall be available for the direct federal costs of facilitating an auditing process: Provided, That, upon the Attorney General's initial receipt of submissions pursuant to section 8(c)(2) of Public Law 108-79--(a) the statistical review and related analysis provided for in section 4 thereof shall next be required in the calendar year next following, and every fifth year thereafter, and (b) the review panel established under section 4(b) of Public Law 108-79 shall be terminated;]

[(24) \$68,750,000 for offender reentry programs and research, as authorized by the Second Chance Act of 2007 (Public Law 110-199), of which not to exceed \$5,000,000 is for a program to improve State, local, and tribal probation supervision efforts and strategies;]

[(25) \$4,000,000 for a veterans treatment courts program;]

[(26) \$1,000,000 for the purposes described in the Missing Alzheimer's Disease Patient Alert Program (section 240001 of the 1994 Act);]

[(27) \$7,000,000 for a program to monitor prescription drugs and scheduled listed chemical products;]

[(28) \$12,500,000 for prison rape prevention and prosecution grants to States and units of local government, and other programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108-79);]

[(29) \$3,500,00 for emergency law enforcement assistance, as authorized by section 609M of the Justice Assistance Act of 1984 (42 U.S.C. 10513; Public Law 98-473); and]

[(30) \$2,750,000 to establish and operate a National Center for Campus Public Safety;]

[(15) \$100,000,000 for DNA-related and forensic programs and activities (including related research and development, training and education, and technical assistance), of which \$20,000,000 is for programs and activities (including grants, technical assistance, and technology) to reduce the rape kit backlog: Provided, That the certification requirements of 42 U.S.C. 3797k(1), 3797k(2), and 3797k(4) shall apply to any DNA-related and forensic program grants made to forensic crime laboratories;]

[(16) \$10,500,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106-386 and for programs authorized under Public Law 109-164;]

[(17) \$23,000,000 for an initiative relating to children exposed to violence;]

Office of Justice
Programs,
State and Local Law
Enforcement Assistance
(continued)

(18) \$20,000,000 sex offender management assistance, as authorized by the Adam Walsh Act and the 1994 Act, and related activities; and

(19) \$119,000,000 for offender reentry programs and research, as authorized by the Second Chance Act of 2007 (Public Law 110-199), without regard to the time limitations specified at section 6(1) of such Act, of which [not to exceed \$5,000,000 is for a program to improve State, local, and tribal probation supervision efforts and strategies] \$10,000,000 is for a program to improve State, local, and tribal probation or parole supervision efforts and strategies, and \$5,000,000 is for Children of incarcerated Parents Demonstrations to enhance and maintain parental and family relationships for incarcerated parents as a reentry or recidivism reduction strategy: Provided, That up to \$40,000,000 of funds made available in this paragraph may be used for performance-based awards for Pay for Success projects, of which up to \$10,000,000 shall be for Pay for Success programs implementing the Permanent Supportive Housing Model: Provided further, That, with respect to the previous proviso, any funds obligated for such projects shall remain available for disbursement until expended, notwithstanding 31 U.S.C. 1552(a): Provided further, That, with respect to the first proviso, any deobligated funds from such projects shall immediately be available for activities authorized under the Second Chance Act of 2007 (Public Law 110-199):

(20) \$85,000,000 for a Justice Reinvestment Initiative program, for activities related to criminal justice reform and recidivism reduction;

(21) \$10,000,000 for additional replication sites employing Hawaii's Opportunity Probation with Enforcement (HOPE) model implementing swift and certain sanctions in probation, and for a research project on the effectiveness of the model;

Provided further, That, if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform non-administrative public sector safety service.

JUSTIFICATION: Edits to language include assistance for evidence-based policing, prosecutorial decision-making, voter education on Puerto Rico's future political status, an Edward Byrne Memorial Incentive grant program, DNA-related and forensic programs, victims of trafficking, children exposed to violence, sex offender management assistance, activities related to criminal justice reform and recidivism reduction, and replication sites employing Hawaii's Opportunity Probation with Enforcement (HOPE) model; edits language regarding Intellectual property enforcement grants, the National Criminal History Improvement Program, prison rape prevention and prosecution grants, and offender reentry programs; and deletes language pertaining to the State Criminal Alien Assistance Program, and law enforcement armor vests.

Office of Justice
Programs,
Juvenile Justice

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"); the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Victims of Child Abuse Act of 1990 (Public Law 101-647) ("the 1990 Act"); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) ("the Adam Walsh Act"); the PROTECT Our Children Act of 2008 (Public Law 110-401); and other juvenile justice programs, [\$279,500,000] ~~\$332,500,000~~, to remain available until expended as follows—

(1) [\$44,000,000] ~~\$70,000,000~~ for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, non-profit

Office of Justice
Programs,
Juvenile Justice
(continued)

organizations with the Federal grants process; *[Provided, That of the amounts provided under this paragraph, \$500,000 shall be for a competitive demonstration grant program to support emergency planning among State, local and tribal juvenile justice residential facilities;] Provided, That notwithstanding sections 103(26) and 223(a)(11)(A) of the 1974 Act, for purposes of funds appropriated in this Act—(a) the term "adult inmate" shall be understood to mean an individual who has been arrested and is in custody as the result of being charged as an adult with a crime, but shall not be understood to include anyone under the care and custody of a juvenile detention or correctional agency, or anyone who is in custody as the result of being charged with or having committed an offense described in Section 223(a)(11)(A) of the 1974 Act; (b) the juveniles described in Section 223(a)(11)(A) of the 1974 Act who have been charged with or who have committed an offense that would not be criminal if committed by an adult shall be understood to include individuals under 18 who are charged with or who have committed an offense of purchase, consumption, or possession of any alcoholic beverage or tobacco product; and (c) Section 223(a)(11)(A)(ii) of the 1974 Act shall apply only to those individuals described in Section 223(a)(11)(A) who, while remaining under the jurisdiction of the court on the basis of the offense described therein, are charged with or commit a violation of a valid court order thereof;*

(2) [\$90,000,000] \$58,000,000 for youth mentoring grants;

(3) [\$20,000,000] \$56,000,000 for delinquency prevention, as authorized by [section 505] sections 261 and 262 of the 1974 Act; of which \$20,000,000 is for competitive grants to police and juvenile justice authorities in communities that have been awarded Department of Education School Climate Transformation Grants to collaborate on use of evidence-based positive behavior strategies to increase school safety and reduce juvenile arrests;

[, of which, pursuant to sections 261 and 262 thereof,]

[(A) \$10,000,000 shall be for the Tribal Youth Program;]

[(B) \$5,000,000 shall be for gang and youth violence education, prevention and intervention, and related activities; and]

[(C) \$5,000,000 shall be for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, for prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training];

(4) [\$19,000,000 for programs authorized by the Victims of Child Abuse Act of 1990;]

[(5)] [\$25,000,000] \$30,000,000 for the Juvenile Accountability Block Grants program as authorized by part R of title I of the 1968 Act; *Provided, That* [and] Guam shall be considered a State *for purposes thereof;*

(5) \$20,000,000 for incentive grants to assist states that use Juvenile Accountability Block Grants program funds for evidence-based juvenile justice system realignment to foster better outcomes for affected juveniles;

(6) [\$11,000,000] \$25,000,000 for community-based violence prevention initiatives, *of which no less than \$12,500,000 is for public health approaches to reducing shootings and violence;*

[(7) \$67,000,000 for missing and exploited children programs, including as authorized by sections 404(b) and 405(a) of the 1974 Act except that section 102(b)(4)(B) of the PROTECT Our Children Act of 2008 (Public Law 110-401) shall not apply for purposes of this Act;]

[(8) \$1,500,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act; and]

[(9)] (7) [\$2,000,000] \$4,000,000 for grants and technical assistance in support of the National Forum on Youth Violence Prevention;

(8) \$67,000,000 for missing and exploited children programs, including as authorized by sections 404(b) and 405(a) of the 1974 Act, of which \$22,000,000 is for grants and activities concerning internet crimes against children, including as

Office of Justice Programs, Juvenile Justice (continued)	<p><u>authorized by the PROTECT Our Children Act of 2008 (Public Law 110-401):</u> <u>(9) \$500,000 for an internet site providing information and resources on children of incarcerated parents;</u> <u>(10) \$2,000,000 for competitive grants focusing on girls in the juvenile justice system;</u> <i>Provided</i>, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: <i>Provided further</i>, That not more than [2]5 percent of each amount may be used for training and technical assistance: <i>Provided further</i>, That the previous two provisos shall not apply to grants and projects authorized by sections 261 and 262 of the 1974 Act <u>and to missing and exploited children programs.</u></p> <p>JUSTIFICATION: Clarifies definitions including adult inmates and juveniles; replaces language specifying specific delinquency prevention carveouts (authorized under section 505 of the 1974 Act) with general language authorizing delinquency prevention programs; adds language for incentive grants to assist states that use Juvenile Accountability Block Grants program fund for evidence-based juvenile justice system realignment; amends the language regarding community-based violence prevention initiatives; deletes language regarding the evidence-based competitive juvenile justice demonstration grant program; add language for the missing and exploited children programs, an internet site regarding children of incarcerated parents, and grants documenting on girls in the juvenile justice system.</p>
Office of Justice Programs, Public Safety Officer Benefits	<p>For payments and expenses authorized under section 1001(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, such sums as are necessary (including amounts for administrative costs), to remain available until expended; and \$16,300,000 for payments authorized by section 1201(b) of such Act and for educational assistance authorized by section 1218 of such Act, to remain available until expended: <i>Provided</i>, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for such disability and education payments, the Attorney General may transfer such amounts to "Public Safety Officers Benefits" from available appropriations [for the current fiscal year] for the Department of Justice as may be necessary to respond to such circumstances: <i>Provided further</i>, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section [505]504 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.</p> <p>NO SIGNIFICANT CHANGES.</p>
Community Oriented Policing Services	<p>For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"), [\$222,500,000] <u>\$439,500,000</u>, to remain available until expended: <i>Provided</i>, That [any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act], <u>in addition to any amounts that are otherwise available (or authorized to be made available) for training and technical assistance, up to 5 percent of funds made available to the Office of Community Oriented Policing Services for grants may be used to provide training and technical assistance: <i>Provided further</i>, That, in addition to any amounts that are otherwise available (or authorized to be made available) for research, evaluation or statistical purposes, up to 2 percent of funds made available to the</u></p>

Office of Community Oriented Policing Services (COPS) for grants may be used for such purposes, including an evaluation administered with assistance from the Department of Education on the effectiveness of COPS-funded school resource officers and any other studies evaluating the impact of advancing public safety through community policing.

[Provided further, That] Of the amount provided under this heading:

(1) \$12,500,000 is for anti-methamphetamine-related activities, which shall be [transferred to the Drug Enforcement Administration upon enactment of this Act]; available to reimburse the Drug Enforcement Administration;

(2) \$20,000,000 is for improving tribal law enforcement, including hiring, equipment, training, and anti-methamphetamine activities; and

(3) [\$190,000,000] \$257,000,000 is for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsections (i) and (h) of such section: Provided, That, notwithstanding subsection (g) of the 1968 Act (42 U.S.C. 3796dd), the Federal share of the costs of a project funded by such grants may not exceed 75 percent unless the Director of the Office of Community Oriented Policing Services waives, wholly or in part, the requirement of a non-Federal contribution to the costs of a project: Provided further, That, notwithstanding 42 U.S.C. 3796dd-3(c), funding for hiring or rehiring a career law enforcement officer may not exceed \$125,000, unless the Director of the Office of Community Oriented Policing Services grants a waiver from this limitation: Provided further, That in addition to the purposes set out in subsection 1701(b)(1) and (2) of the 1968 Act (42 U.S.C. 3796dd(b)(1) and (2)), grants made with funds provided in this paragraph may be used for the hiring of non-sworn law enforcement personnel in amounts not to exceed \$50,000,000 Provided further, That, within the amounts appropriated, \$15,000,000 shall be transferred to the Tribal Resources Grant Program to be used for the hiring and rehiring of tribal law enforcement officers: Provided further, That, of the amounts appropriated under this paragraph, [\$10,000,000] \$15,000,000 is for community policing development activities in furtherance of the purposes in section 1701: Provided further, That within the amounts appropriated under this paragraph, \$10,000,000 is for the collaborative reform model of technical assistance in furtherance of the purposes in Section 1701: Provided further, That, of the amounts appropriated under this paragraph, notwithstanding subsections (f) and (h) of section 1701 of title I of the 1968 Act, 5 percent may be awarded at the discretion of the Attorney General to address special needs, contingencies, and requirements; and

(4) \$150,000,000 is for a comprehensive school safety program of grants and technical assistance to improve school safety through hiring, equipment, training and responding to other critical needs as authorized by sections 1701 and 2701 of the 1968 Act (42 U.S.C. 3796dd and 42 U.S.C. 3797a): Provided, That in addition to the hiring of sworn school resource officers under 42 U.S.C. 3796dd(b)(12), grants made with funds under this paragraph may be used for the hiring of non-sworn school safety personnel, including civilian public safety personnel, school counselors, school psychologists, other qualified psychologists, school social workers, and child and adolescent psychiatrists: Provided further, That the terms "school counselor", "school psychologist", "other qualified psychologist", "school social worker", and "child and adolescent psychiatrist" are as defined by Section 5421(e) of the Elementary and Secondary Education Act of 1965, as amended: Provided further, That notwithstanding 42 U.S.C. 3796dd-3(c), funding for the hiring of a school safety position may not exceed \$125,000, unless the Director of the Office of Community Oriented Policing Services grants a waiver from this limitation: Provided further, That notwithstanding 42 U.S.C. 3797a(d)(1), the matching funds requirement set forth in 42 U.S.C. 3796dd(g) shall apply to this program: Provided further, That notwithstanding 42 U.S.C. 3797d(1), for the purposes of this program, "school" means any elementary or secondary school as set forth in 42 U.S.C. 3796dd(b)(12): Provided further, That grants may be awarded and technical assistance may be provided under this program to the

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Policing Services
(continued)

<p>Community Oriented Policing Services (continued)</p>	<p><u>entities set forth in 42 U.S.C. 3796dd(a): Provided further, That this program shall be administered with assistance from the Department of Education: Provided further, That the Attorney General may transfer such amounts to the Department of Education, from the amounts appropriated under this paragraph, as may be necessary to administer this program.</u></p> <p><u>(cancellation)</u></p> <p><u>Of the unobligated balances from prior year appropriations available under this heading, \$14,000,000 are hereby permanently cancelled: Provided, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.</u></p> <p>JUSTIFICATION: Adds language regarding evaluations, including the effectiveness of COPS-funded school resources officers; allows funding to be used for the hiring of non-sworn law enforcement personnel; includes a carve out for a collaborative reform model of technical assistance; adds a comprehensive school safety program of grants and technical assistance.</p>
<p>Office on Violence Against Women</p>	<p>For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) ("the 1994 Act"); the Victims of Child Abuse Act of 1990 (Public Law 101-647) ("the 1990 Act"); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) ("the 1974 Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386) ("the 2000 Act"); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"); <u>and the Violence Against Women Reauthorization Act of 2013 (Public Law 113-4); and for related victims services, [\$416,500,000] \$412,500,000, to remain available until expended: Provided, That except as otherwise provided by law, not to exceed [5] 8 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance:</u></p> <p><u>Provided further, That, in addition to any amounts that are otherwise available (or authorized to be made available) for the research and evaluation purposes set forth in section 40002(b)(7) of the 1994 Act, up to 2 percent of funds made available under this heading may be used for such purposes, except that this proviso shall not apply to funds provided for grants to combat violence against women, as authorized by part T of the 1968 Act, and grants for sexual assault victims assistance, as authorized by section 41601(b) of the 1994 Act: Provided further, That of the amount provided-</u></p> <p>(1) \$189,000,000 is for grants to combat violence against women, as authorized by part T of the 1968 Act;</p> <p>(2) [\$25,000,000] \$22,000,000 is for transitional housing assistance grants for victims of domestic violence, <u>dating violence</u>, stalking or sexual assault as authorized by section 40299 of the 1994 Act;</p> <p>(3) [\$3,500,000] \$3,000,000 is for the National Institute of Justice for research and evaluation of violence against women and related issues addressed by grant programs of the Office on Violence Against Women, which [may] <u>shall</u> be transferred to "Research, Evaluation, and Statistics" for administration by the Office of Justice Programs;</p>

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(continued)

(4) \$10,000,000 is for a grant program to provide services to advocate for and respond to youth victims of domestic violence, dating violence, sexual assault, and stalking; assistance to children and youth exposed to such violence; programs to engage men and youth in preventing such violence; and assistance to middle and high school students through education and other services related to such violence: *Provided*, That unobligated balances available for the programs authorized by sections 41201, 41204, 41303 and 41305 of the 1994 Act shall be available for this program: *Provided further*, That 10 percent of the total amount available for this grant program shall be available for grants under the program authorized by section 2015 of the 1968 Act: *Provided further*, That the definitions and grant conditions in section 40002 of the 1994 Act shall apply to this program;

(5) \$50,000,000 is for grants to encourage arrest policies as authorized by part U of the 1968 Act, of which \$4,000,000 is for a homicide reduction initiative;

(6) [\$25,000,000] \$23,000,000 is for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;

(7) [\$36,500,000] \$37,500,000 is for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(8) \$9,000,000 is for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(9) \$41,000,000 is for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

(10) \$4,250,000 is for enhanced training and services to end violence against and abuse of women in later life, as authorized by section 40802 of the 1994 Act;

(11) [\$15,500,000] \$16,000,000 is for a grant program to [support families in the justice system, including for the purposes described in the safe havens for children program, as authorized by section 1301 of the 2000 Act, and the court training and improvements program, as authorized by section 41002 of the 1994 Act] provide comprehensive support to victims of domestic violence and child sexual abuse and their families in family law matters in the civil justice system, including safe visitation and exchange services, improved court responses, and legal assistance to victims, protective parents, and their children: Provided, That unobligated balances available for the programs authorized by section 1301 of the 2000 Act and section 41002 of the 1994 Act shall be available for this program: Provided further, That 10 percent of the total amount available for this grant program shall be available for grants under the program authorized by section 2015 of the 1968 Act: Provided further, That the definitions and grant conditions in section 40002 of the 1994 Act shall apply to this program;

(12) \$5,750,000 is for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act;

(13) \$500,000 is for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act;

(14) \$1,000,000 is for analysis and research on violence against Indian women, including as authorized by section 904 of the 2005 Act [which] Provided, That such funds may be transferred to "Research, Evaluation, and Statistics" for administration by the Office of Justice Programs; and

(15) \$500,000 is for the Office on Violence Against Women to establish a national clearinghouse that provides training and technical assistance on issues relating to sexual assault of American Indian and Alaska Native women.

(cancellation)

Of the unobligated balances from prior year appropriations available under this heading, \$6,200,000 are hereby permanently cancelled: Provided, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as

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(continued)

amended.

JUSTIFICATION: New language in FY 2014 includes: a provision for up to a 2 percent research and evaluation set aside from OVW programs, not including the formula STOP and Sexual Assault Services Program; and clarification that victims of dating violence are potential beneficiaries of transitional housing assistance grants. The Department also includes clarifying language in paragraph (11) regarding the consolidated program supporting families in the justice system. We note that we are evaluating the extent to which the recent passage of the Violence Against Women Reauthorization Act, 2013 (Public Law 113-4) may require additional language changes.

SUMMARY OF GENERAL PROVISIONS
General Provisions—Department of Justice

Table 1 displays the Title II General Provisions for the Department of Justice contained in the FY 2014 President's Budget. The FY 2014 language is compared below to the FY 2013 enacted Title II General Provisions (P.L. 113-6). New language proposed for 2014 is italicized and underlined, and 2013 enacted language proposed for deletion is bracketed.

Table 2 provides explanations related to select Title II General Provisions contained in the Consolidated and Further Continuing Appropriations Act, 2013, which are not continued in FY 2014.

Table 1
FY 2014 PROPOSED TITLE II GENERAL PROVISIONS

Section Number	New? Yes/No	Description
201	No	In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed \$50,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.
202	No	None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: <i>Provided</i> , That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.
203	No	None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.
204	No	Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: <i>Provided</i> , That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.
205	No	Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: <i>Provided</i> , That any transfer pursuant to this section shall be treated as a reprogramming of funds under section [505] <u>504</u> of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.
206	Amended	[The Attorney General is authorized to extend through September 30, 2013, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107-296 (28 U.S.C. 599B) without limitation on the number of employees or the positions covered.] <u><i>Funds appropriated by this or any other Act under the heading "Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses" shall be available for retention pay for any employee who would otherwise be subject to a reduction in pay upon the termination of the Bureau's Personnel Management Demonstration Project (as transferred to the Attorney General by section 1115 of the Homeland Security Act of 2002, Public Law 107-296 (28 U.S.C. 599B)). Such retention pay shall comply with section 5363 of title 5, United States Code, and related</i></u>

		<u>Office of Personnel Management regulations, except as provided in this section. Such retention pay shall be paid at the employee's rate of pay immediately prior to the termination of the demonstration project and shall not be subject to the limitation set forth in section 5304(g)(1) of title 5, United States Code, and related regulations. The rate of pay of any employee receiving retention pay pursuant to this provision shall be increased at the time of any increase in the maximum rate of basic pay payable for the grade of the employee's position by 50 percent of the dollar amount of each such increase, except that an employee's retained rate of basic pay shall not be so increased if both (a) the employee's retained rate of basic pay immediately prior to the time of such increase exceeds the limitation set forth in section 5304(g)(1) of title 5, United States Code, and related regulations, and (b) the employee's increased rate of pay would exceed the maximum rate of basic pay payable for the employee's position.</u>
207	No	None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.
208	No	(a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes. (b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.
209	No	None of the funds made available under this title shall be obligated or expended for any new or enhanced information technology program having total estimated development costs in excess of \$100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations that the information technology program has appropriate program management controls and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.
210	No	The notification thresholds and procedures set forth in section [505] 504 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and accompanying statement, and to any use of deobligated balances of funds provided under this title in previous years.
211	No	None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A-76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.
212	No	At the discretion of the Attorney General, and in addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this title under the headings "Research, Evaluation, and Statistics", "State and Local Law Enforcement Assistance", and "Juvenile Justice Programs"— (1) Up to [3] 5 percent of funds made available to the Office of Justice Programs for grant or reimbursement programs may be used by such Office to provide training and technical assistance; [and] (2) Up to 2 percent of funds made available for grant or reimbursement programs under such headings, except for amounts appropriated specifically for research, evaluation, or statistical programs administered by the National Institute of Justice and the Bureau of

		<p>Justice Statistics, shall be transferred to and merged with funds provided to the National Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation or statistical purposes, without regard to the authorizations for such grant or reimbursement programs[. and of such amounts, \$1,300,000 shall be transferred to the Bureau of Prisons for Federal inmate research and evaluation purposes.]; <u>and</u></p> <p><u>(3) 7 percent of funds made available for grant or reimbursement programs: (1) under the heading "State and Local Law Enforcement Assistance"; or (2) under the headings "Research, Evaluation, and Statistics" and "Juvenile Justice Programs", to be transferred to and merged with funds made available under the heading "State and Local Law Enforcement Assistance", shall be available for tribal criminal justice assistance without regard to the authorizations for such grant or reimbursement programs.</u></p>
213	No	<p>The Attorney General may, upon request by a grantee and based upon a determination of fiscal hardship, waive the requirements of sections 2976(g)(1), 2978(e)(1) and (2), and 2904 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(g)(1), 3797w-2(e)(1) and (2), 3797q-3) <u>and section 6(c)(3) of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15605(c)(3))</u> with respect to funds appropriated in this or any other Act making appropriations for fiscal years 2010 through [2012] 2013 for Adult and Juvenile Offender State and Local Reentry Demonstration Projects and State, Tribal, and Local Reentry Courts authorized under part FF of title I of such Act of 1968, and the Prosecution Drug Treatment Alternatives to Prison Program authorized under part CC of such Act of 1968, <u>and Grants to Protect Inmates and Safeguard Communities under such Act of 2003.</u></p>
214	No	<p>Notwithstanding any other provision of law, section 20109(a), in subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709(a)), shall not apply to amounts made available by this or any other Act.</p>
215	Yes ¹	<p><u>Of the unobligated balances from prior year appropriations for the Office of Justice Programs, \$47,000,000 are hereby permanently cancelled: Provided, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.</u></p>
216	Yes ²	<p><u>Notwithstanding any other provision of law, amounts deposited or available in the Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) in any fiscal year in excess of \$800,000,000 shall not be available for obligation in this fiscal year: Provided, That, notwithstanding section 1402(d) of such Act of 1984, of the amounts available from the Fund for obligation, the following amounts shall be available without fiscal year limitation to the Director of the Office for Victims of Crime: \$25,000,000 for supplemental victims' services and other victim-related programs and initiatives, \$20,000,000 for tribal assistance for victims of violence, and \$10,000,000 for victims of trafficking grants focused on domestic victims: Provided, That up to 2 percent of funds may be made available to the National Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation or statistical purposes related to crime victims and related programs.</u></p>

¹ The FY 2014 Budget proposes to move OJP's cancellation language to Title II; in the Commerce, Justice, Science, and Related Appropriations Act, 2013, the OJP rescission is found in Section 526.

² The FY 2014 Budget proposes to move the Crime Victims Fund limitation language to Title II; in the Commerce, Justice, Science, and Related Appropriations Act, 2013, similar language is found in Section 510.

217	No	None of the funds made available under this Act, other than for the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act, may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel, unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.
218	Yes ³	<u>Of the unobligated balances from prior year appropriations available under the heading "Working Capital Fund", \$30,000,000 are hereby permanently cancelled: Provided, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.</u>
219	Yes	<p><u>Performance Partnership Pilots.</u></p> <p><u>(a) Definitions. In this section,</u></p> <p><u>(1) "Performance Partnership Pilot" (or "Pilot") is a project that seeks to identify, through a demonstration, cost-effective strategies for providing services at the state, regional, or local level that—</u></p> <p><u>(A) involve two or more Federal programs (administered by one or more Federal agencies)—</u></p> <p><u>(i) which have related policy goals, and</u></p> <p><u>(ii) at least one of which is administered (in whole or in part) by a state, local, or tribal government; and</u></p> <p><u>(B) achieve better results for regions, communities, or specific at risk populations through making better use of the budgetary resources that are available for supporting such programs.</u></p> <p><u>(2) "To improve outcomes for disconnected youth" means to increase the rate at which individuals between the ages of 14 and 24 (who are homeless, in foster care, involved in the juvenile justice system, or are neither employed nor enrolled in an educational institution) achieve success in meeting educational, employment or other key goals.</u></p> <p><u>(3) The "lead Federal administering agency" is the Federal agency, to be designated by the Director of the Office of Management and Budget (from among the participating Federal agencies that have statutory responsibility for the Federal discretionary funds that will be used in a Performance Partnership Pilot) that will enter into and administer the particular Performance Partnership Agreement on behalf of that agency and the other participating Federal agencies.</u></p> <p><u>(b) Use of Discretionary Funds in Fiscal Year 2014 Appropriations Act. Federal agencies may use Federal discretionary funds, that are made available in this act or any other appropriations act providing funds for Fiscal Year 2014 and corresponding authority to enter into Performance Partnership Pilots, to carry out up to a total of 13 Performance Partnership Pilots involving up to a total of \$130,000,000 in aggregate Federal discretionary budget authority. Such Pilots shall:</u></p> <p><u>(1) be designed to improve outcomes for disconnected youth, and</u></p> <p><u>(2) involve Federal programs targeted on disconnected youth, or designed to prevent youth from disconnecting from school or work, that provide education, training and employment, and other related social services; and</u></p> <p><u>(c) Performance Partnership Agreements. Federal agencies may use Federal discretionary funds, as authorized in subsection (b), to participate in a Performance Partnership Pilot only in accordance with the terms of a Performance Partnership Agreement that—</u></p> <p><u>(1) is entered into between--</u></p>

³ The FY 2014 Budget proposes to move the WCF cancellation language to Title II, in the Commerce, Justice, Science, and Related Appropriations Act, 2013, the WCF rescission is found in Section 526.

(A) the head of the lead Federal administering agency, on behalf of all of the participating Federal agencies (subject to the head of the lead Federal administering agency having received from the heads of each of the other participating agencies their written concurrence for entering into the Agreement), and

(B) the respective representatives of all of the state, local or tribal governments that are participating in the Agreement; and

(2) specifies, at a minimum, the following information:

(A) the length of the Agreement (which shall not extend beyond September 30, 2018);

(B) the Federal programs and federally-funded services that are involved in the Pilot;

(C) the Federal discretionary funds that are being used in the Pilot (by the respective Federal account identifier, and the total amount from such account that is being used in the Pilot), and the period (or periods) of availability for obligation (by the Federal Government) of such funds;

(D) the non-Federal funds that are involved in the Pilot, by source (which can include private funds as well as governmental funds) and by amount;

(E) the state, local, or tribal programs that are involved in the Pilot;

(F) the populations to be served by the Pilot;

(G) the cost-effective Federal oversight procedures that will be used for the purpose of maintaining the necessary level of accountability for the use of the Federal discretionary funds;

(H) the cost-effective State, local or tribal oversight procedures that will be used for the purpose of maintaining the necessary level of accountability for the use of the Federal discretionary funds;

(I) the outcome (or outcomes) that the Pilot is designed to achieve;

(J) the appropriate, reliable, and objective outcome-measurement methodology that the Federal Government and the participating state, local, or tribal governments will use, in carrying out the Pilot, to determine whether the Pilot is achieving, and has achieved, the specified outcomes that the Pilot is designed to achieve; and

(K) in cases where, during the course of the Pilot, it is determined that the Pilot is not achieving the specified outcomes that it is designed to achieve,

(i) the consequences that will result from such deficiencies with respect to the Federal discretionary funds that are being used in the Pilot, and

(ii) the corrective actions that will be taken in order to increase the likelihood that the Pilot, upon completion, will have achieved such specified outcomes.

(d) Agency Head Determinations. A Federal agency may participate in a Performance Partnership Pilot (including by providing Federal discretionary funds that have been appropriated to such agency) only upon the written determination by the head of such agency that the agency's participation in such Pilot—

(1) will not result in denying or restricting the eligibility of any individual for any of the services that (in whole or in part) are funded by the agency's programs and Federal discretionary funds that are involved in the Pilot, and

(2) based on the best available information, will not otherwise adversely affect vulnerable populations that are the recipients of such services. In making this determination, the head of the agency may take into consideration the other Federal discretionary funds that will be used in the Pilot as well as any non-Federal funds (including from private sources as well as governmental sources) that will be used in the Pilot.

(e) Transfer Authority. For the purpose of carrying out the Pilot in accordance with the Performance Partnership Agreement, and subject to the written approval of the Director of the Office of Management and Budget, the head of each participating Federal agency may transfer Federal discretionary funds that are being used in the Pilot to an account of the lead Federal administering agency that includes Federal discretionary funds that are being used in the Pilot. Subject to the waiver authority under subsection (g), such transferred funds shall remain available for the same purposes for which such funds were originally appropriated: Provided, That such transferred funds shall remain available for obligation by the Federal Government until the expiration of those Federal discretionary funds (which are

	<p><u>being used in the Pilot) that have the longest period of availability, except that any such transferred funds shall not remain available beyond September 30, 2018.</u></p> <p><u>(f) Waiver Authority. In connection with a Federal agency's participation in a Performance Partnership Pilot, and subject to the other provisions of this section (including subsection (e)), the head of the Federal agency to which the Federal discretionary funds were appropriated may waive (in whole or in part) the application, solely to such discretionary funds that are being used in the Pilot, of any statutory, regulatory, or administrative requirement that such agency head--</u></p> <p><u>(1) is otherwise authorized to waive (in accordance with the terms and conditions of such other authority), and</u></p> <p><u>(2) is not otherwise authorized to waive, provided that in such case the agency head, prior to granting the waiver, shall--</u></p> <p><u>(A) not waive any requirement related to nondiscrimination, wage and labor standards, or allocation of funds to State and substate levels;</u></p> <p><u>(B) issue a written determination with respect to such discretionary funds that the granting of such waiver for purposes of the Pilot--</u></p> <p><u>(i) is consistent with both--</u></p> <p><u>(I) the statutory purposes of the Federal program for which such discretionary funds were appropriated, and</u></p> <p><u>(II) the other provisions of this section, including the written determination by the agency head issued under subsection (e);</u></p> <p><u>(ii) is necessary to achieve the outcomes of the Pilot as specified in the Partnership Performance Agreement, and is no broader in scope than is necessary to achieve such outcomes; and (iii) will result in either--</u></p> <p><u>(I) realizing efficiencies by simplifying reporting burdens or reducing administrative barriers with respect to such discretionary funds, or</u></p> <p><u>(II) increasing the ability of individuals to obtain access to services that are provided by such discretionary funds; and</u></p> <p><u>(C) provide at least 60 days advance written notice to the Committees on Appropriations and other committees of jurisdiction in the House of Representatives and the Senate.</u></p>
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Table 2
FY 2013 GENERAL PROVISIONS NOT CONTINUED IN FY 2014 – Title II

Section Number Included in the Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 113-6)	Explanation for Why General Provision is No Longer Necessary
207	This language is not necessary. Section 1151(c) of the DOJ Reauthorization Act of 2005 (P.L. 109-162) made these authorities permanent.
213	This provision impinges on the ability of the Attorney General to manage Department of Justice resources, and should be deleted.
218	This provision impinges on the ability of the Attorney General to manage Department of Justice resources, and should be deleted.

General Provisions—Title V

Table 3 displays the Title V General Provisions applicable and relevant to the Department of Justice contained in the FY 2014 President's Budget. The FY 2014 language is compared below to the FY 2013 enacted Title V General Provisions, which is the most recent enacted full-year appropriation for the Department of Justice. New language proposed for 2014 is italicized and underlined, and 2013 enacted language proposed for deletion is bracketed.

Table 4 provides explanations related to select Justice-related items in the FY 2013 Title V General Provisions that are not continued in FY 2014.

Table 3
FY 2014 PROPOSED TITLE V GENERAL PROVISIONS

Section Number	New? Yes/No	Description
501	No	No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.
502	No	The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.
503	No	If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.
504	No	<p>[(a) Subject to subsections (b) and (c), none of the funds provided under this Act, n] None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year [2013] 2014, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates or initiates a new program, project or activity; (2) eliminates a program, project or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes [or renames] offices, programs or activities; (6) contracts out or privatizes any functions or activities presently performed by Federal employees; (7) augments existing programs, projects or activities in excess of [\$500,000] <u>\$1,000,000</u> or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent; or (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress; unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.</p> <p>[(b) None of the funds provided under this Act to any agency of the Department of Justice, or provided under previous appropriations Acts to any agency of the Department of Justice that remain available for obligation or expenditure in fiscal year 2013, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates or initiates a new program, project or activity; (2) eliminates a program, project or activity; (3) increases funds or personnel by any means</p>

		<p>for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices, programs or activities; (6) contracts out or privatizes any functions or activities presently performed by Federal employees; (7) augments existing programs, projects or activities in excess of \$500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent; or (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress; unless the House and Senate Committees on Appropriations are notified 45 days in advance of such reprogramming of funds.</p> <p>(c) Subsection (b) of this section shall sunset on September 30, 2013.]</p>
505	No	<p>(a) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.</p> <p>(b)(1) To the extent practicable, with respect to authorized purchases of promotional items, funds made available by this Act shall be used to purchase items that are manufactured, produced, or assembled in the United States, its territories or possessions.</p> <p>(2) The term "promotional items" has the meaning given the term in OMB Circular A-87, Attachment B, Item (1)(f)(3).</p>
506	No	<p>Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: <i>Provided</i>, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: <i>Provided further</i>, That use of funds to carry out this section shall be treated as a reprogramming of funds under section [505] <u>504</u> of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.</p>
507	No	<p>None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products[, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type].</p>
508	No	<p>[Hereafter, none]None of the funds appropriated pursuant to this Act or any other provision of law may be used for—</p> <p>(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and</p> <p>(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.</p>
509	No	<p>None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.</p>

510	No	<p>(a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.</p> <p>(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:</p> <p>(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.</p> <p>(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes, or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.</p>
511	No	None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.
512	No	None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act; The Electronic Communications Privacy Act; The Fair Credit Reporting Act; The National Security Act of 1947; USA PATRIOT Act; and the laws amended by these Acts.
513	No	If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than [\$75,000,000] <u>\$250,000,000</u> has reasonable cause to believe that the total program cost has increased by [10] <u>15</u> percent, the program manager shall immediately inform the respective Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.
514	No	Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year [2013] <u>2014</u> until the enactment of the Intelligence Authorization Act for fiscal year [2013] <u>2014</u> .
515	No	None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than \$5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue

		Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.
516	No	None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301–10.122 through 301–10.124 of title 41 of the Code of Federal Regulations.
517	No	None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.
518	No	To the extent practicable, funds made available in this Act should be used to purchase light bulbs that are "Energy Star" qualified or have the "Federal Energy Management Program" designation.
519	No	The Departments of Commerce and Justice, the National Aeronautics and Space Administration, and the National Science Foundation shall submit spending plans, signed by the respective department or agency head, to the Committees on Appropriations of the House of Representatives and the Senate within [45] <u>60</u> days after the date of enactment of this Act.
520	No	(a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography. (b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

Table 4
FY-2013 GENERAL PROVISIONS NOT CONTINUED IN FY 2014—Title V

Section Number Included in the Consolidated and Further Continuing Appropriations Act, 2013	Explanation for Why General Provision is No Longer Necessary
501	This provision limits agency discretion in using funds.
507	Requires the Department of Justice to provide a quarterly accounting of cumulative unobligated balances. This information is provided at the request of the Committee, and does not need to be in statute.
510	This provision is moved to Title II, Section 216, in the FY 2014 budget.
512	This provision is not necessary to restrict transfers – any transfer requires specific legislative authority.
513	This provision limits agency discretion in using funds.

515	Requires the Inspector General to conduct an audit of grants or contracts appropriated in this Act within 180 days of audit initiation and every 180 days afterwards until audit is complete. While this information will be provided as requested, the Department does not support this requirement as a General Provision.
516	This provision limits agency discretion in using funds.
518	The Department recommends deletion, consistent with the FY 2014 President's Budget. However, this legislative provision is not administered by ATF but rather by the Office of Defense Trade Controls at the Department of State.
519	This provision has been included in the CJS language since 2005 and prohibits ATF from denying import applications seeking to import U.S. origin curio or relic firearms. This provision limits the President's discretion in administering foreign policy, and should be deleted.
520	This provision limits agency discretion in using funds.
524	Requires agency websites to provide a link to their Office of Inspector General, and a mechanism for public reporting of waste, fraud and abuse. Like many other agencies, the Justice Department is already in compliance with this General Provision.
526	This provision identifies one-time rescissions in FY 2013. The Department of Justice rescission proposals for FY 2014 are included under the appropriate component's appropriations language or in Title II.
529	This provision limits agency discretion in using funds and is unnecessary in light of our efforts to limit conference attendance.
530	This provision limits the President's discretion regarding the disposition of detainees at Guantanamo Bay Naval Base.
531	This provision limits the President's discretion regarding the construction, acquisition or modification of any facility for the detention or imprisonment of individuals located at Guantanamo Bay.
534	This provision is administratively burdensome.
538	This provision limits agency discretion in using funds and in the performance of its regulatory oversight duties.
540	This provision was replaced by a similar government-wide provision.
541	This provision was replaced by a similar government-wide provision.

**DEPARTMENT OF JUSTICE
AUTHORIZATION OF APPROPRIATIONS**
(Dollars in Thousands)

Appropriated Program	Last Year of Express Authorization of Appropriation	Auth Level in Last Year of Express Authorization of Appropriation	Appropriation in Last Year of Express Authorization of Appropriation	FY 2012 Amount Appropriated or specified in report	FY 2013 Continuing Resolution 1/	FY 2014 Request	Authorization of Appropriation Citation
General Administration - S&E	2009	181,561	105,805	110,822	111,500	126,208	Violence Against Women and Department of Justice Appropriations Authorization Act of 2005 ("2005 Reauthorization"), Public Law 109-162
Detention Trustee	2009	1,858,509	1,295,319	1,580,595	1,590,268	2/	2005 Reauthorization (P.L. 109-162)
National Drug Intelligence Center	indef		N/A	20,000	20,122	0	Sec. 805B, P.L. 103-139
Justice Information Sharing Technology	2009	204,152	80,000	44,307	44,578	25,842	2005 Reauthorization (P.L. 109-162)
Health Care Fraud	indef	3/	3/	3/	3/	3/	42 USC 1395(k)(3)(A)
Law Enforcement Wireless Communications	2009	144,771	185,000	87,000	87,532	0	2005 Reauthorization (P.L. 109-162)
Counterterrorism Fund	2003	35,000	0	0	0	0	21st Century Dept. of Justice Appropriations Authorization Act (P.L. 107-273)
Administrative Review & Appeals 4/	2009	243,291	270,000	305,000	306,866	333,147	2005 Reauthorization (P.L. 109-162)
Office of the Inspector General	2009	81,922	75,681	84,199	84,714	85,845	2005 Reauthorization (P.L. 109-162)
U.S. Parole Commission	2009	12,711	12,570	12,833	12,912	13,021	2005 Reauthorization (P.L. 109-162)
National Security Division	5/	5/	N/A	87,000	87,532	96,240	5/
General Legal Activities							
Salaries & Expenses	2009	764,526	804,007	863,367	868,652	902,605	2005 Reauthorization (P.L. 109-162)
Vaccine Injury Compensation	indef	[4,058]	N/A	[7,833]	[7,833]	[7,833]	26 USC 9510
Office of Special Counsel - Anti-discrimination	indef	[3,000]	N/A	0	0	0	8 USC 1255a(c)(7)(C)
Independent Counsel	1999		0	500	500	500	P.L. 103-270, Independent Counsel Reauthorization Act of 1994 (New Investigations)
	indef	9,500	N/A	0	0	0	On-going Investigations (P.L. 100-202, 101 Stat. 1329)
September 11th Victim Compensation (Administration and Claims) 11/	indef	such sums	N/A	200,000	322,000	200,000	Sections 404 and 406 of P.L. 107-42, as amended by section 205 of P.L. 111-347 and section 1347 of P.L. 112-10
Antitrust Division - S&E	2009	162,488	157,788	159,587	160,584	160,410	2005 Reauthorization (P.L. 109-162)
Offsetting Fee Collection (est.)	indef	such sums	N/A	(110,000)	(117,500)	(102,300)	Fees Auth - Sec. 605, 1990 CJSJ Appropriations Act (P.L. 101-162)
U.S. Attorneys' Salaries and Expenses	2009	1,829,194	1,836,336	1,960,000	1,971,995	2,007,717	2005 Reauthorization (P.L. 109-162)
U.S. Trustees - S&E	indef	such sums	N/A	223,258	224,824	225,728	28 USC 589a(a) and 1930(a)
Offsetting Fee Receipt (est.)	indef	indef	N/A	(281,829)	(217,862)	(261,490)	28 USC 589a(b) and 1930(a)
Foreign Claims Settlement Commission	2009	1,429	1,823	2,000	2,012	2,218	2005 Reauthorization (P.L. 109-162)
U.S. Marshals Service	2009	900,170	954,000	1,189,000	1,186,264	2,849,026	2005 Reauthorization (P.L. 109-162)
U.S. Marshals Service - S&E			(950,000)	(1,174,000)	(1,181,172)	(1,203,488)	
Construction			[4,000]	[15,000]	[15,092]	[10,000]	
2/ Federal Prisoner Detention						[1,635,538]	
Fees & Expenses of Witnesses	2009	203,795	168,300	270,000	270,000	270,000	2005 Reauthorization (P.L. 109-162)
Community Relations Service	2009	10,977	9,873	11,456	11,526	12,464	2005 Reauthorization (P.L. 109-162)
Assets Forfeiture Fund Current Budget Authority	2009	22,000	20,990	20,948	21,076	20,948	2005 Reauthorization (P.L. 109-162)
Assets Forfeiture Fund Permanent Oblig. Authority	indef	such sums	N/A	1,403,052	1,403,052	1,386,996	28 USC 524(c)
Radiation Exposure Compensation - Trust Fund- (Mand)	indef	indef	N/A	94,000	94,000	82,000	Department of Justice Appropriations Act, 2005 Sec. 122 (Title I, Div B, P.L. 108-467)
Interagency Crime and Drug Enforcement	2009	744,593	515,000	527,512	530,740	523,037	2005 Reauthorization (P.L. 109-162)
Federal Bureau of Investigation	2009	6,480,608	7,301,191	8,117,973	8,167,655	8,442,669	2005 Reauthorization (P.L. 109-162)
Federal Bureau of Investigation - S&E			[7,147,700]	[8,038,991]	[8,056,177]	[8,361,687]	
Construction			[153,491]	[80,582]	[81,478]	[80,582]	
Health Care Fraud	indef	indexed amt	N/A				42 USC 1395(k)(3)(B)
Drug Enforcement Administration							
Drug Enforcement Administration - S&E	2009	1,930,462	1,939,084	2,025,000	2,037,393	2,067,952	2005 Reauthorization (P.L. 109-162)
Construction		0	0	10,000	10,061	0	
Diversion Control Fee (est.)	indef	0	N/A	351,937	351,937	360,917	Fees Auth - Sec. 111(b), CJSJ Appropriations Act, 1993 (P.L. 102-395)

**DEPARTMENT OF JUSTICE
AUTHORIZATION OF APPROPRIATIONS**
(Dollars in Thousands)

Appropriated Program	Last Year of Express Authorization of Appropriation	Auth Level in Last Year of Express Authorization of Appropriation	Appropriation in Last Year of Express Authorization of Appropriation	FY 2012 Amount Appropriated or specified in report	FY 2013 Continuing Resolution 1/	FY 2014 Request	Authorization of Appropriation Citation
Bureau of Alcohol, Tobacco, Firearms & Explosives	2009	1,038,939	1,054,215	1,152,000	1,159,050	1,229,518	2005 Reauthorization (P.L. 109-162)
Construction		0	0	0	0	0	
Federal Prison System	2009	5,898,292	6,171,581	6,641,281	6,681,926	6,936,384	2005 Reauthorization (P.L. 109-162)
Bureau of Prisons - S&E			5,595,754	[6,551,281]	[6,591,375]	[6,831,150]	
Buildings & Facilities			575,807	[90,000]	[90,551]	[105,244]	
Federal Prison Industries (Administrative Limitation)	indef	N/A		2,700	2,700	2,700	
Office of Justice Programs							
Salaries & Expenses, Including OAAAM	2009	132,226	0	To be derived from grant programs	To be derived from grant programs	To be derived from grant programs	P.L. 109-162
Research, Evaluation, and Statistics							
Natl Institute of Justice	1995	33,000	58,879	40,000	40,000	44,500	42 USC 3793(a)(2)
Bureau of Justice Statistics	1995	33,000	32,335	45,000	45,000	52,900	42 USC 3793(a)(1)
6/ National Crime Victimization Survey	N/A	N/A	N/A	[26,000]	[26,000]	[0]	Department of Justice Appropriations Act, 2013 (P.L. 113-6)
6/ Redesign of National Crime Victimization Survey				[10,000]	[10,000]	[0]	Department of Justice Appropriations Act, 2013 (P.L. 113-6)
6/ Redesign and Development of Data Collection Programs for Indian Country				[500]	[500]	[0]	Department of Justice Appropriations Act, 2013 (P.L. 113-6)
Missing Children	2004-2013, 2013	indef. 60,000, 60,000	N/A	65,000	65,000	67,000	42 USC 5791(c), 42 USC 17617(a), 42 USC 5777(a)
Internet Crimes Against Children (ICAC)				N/A	N/A	[22,000]	42 USC 5791(c), 42 USC 17617(a), 42 USC 5777(a)
RISS	2003	100,000	29,000	27,000	27,000	25,000	42 USC 3796(a)
White Collar Crime	N/A	N/A	N/A	0	0		
6/ Evaluation Clearinghouse	N/A	N/A	N/A	1,000	1,000	3,000	Department of Justice Appropriations Act, 2006 (P.L. 109-108)
Forensic Science				0	0	[9,000]	an act appropriating funds for the program
Forensic Science Advisory Committee				[0]	[0]	1,000	an act appropriating funds for the program
Transfer - NIST				[0]	[0]	[3,000]	an act appropriating funds for the program
Transfer - NIST				[0]	[0]	[5,000]	an act appropriating funds for the program
Juvenile Justice Programs							
Title II JJDP-A-Juv Just & Delinq Prev							
Part A-M&A/Fed Effr	2007	indef	703	0	0	0	42 USC 5671(a)(1)
Part B-Formula Grants	2007	indef	78,978	40,000	40,000	70,000	42 USC 5671(a)(1)
Part E-Demonstrations	2007	indef	104,674	0	0	0	42 USC 5671(a)(1)
6/ Youth Mentoring	N/A, 2007	N/A, indef	80,000	78,000	78,000	58,000	42 USC 5665, Department of Justice Appropriations Act, 2013 (P.L. 113-6)
6/ National Forum on Youth Violence Prevention	N/A	N/A	N/A	2,000	2,000	4,000	42 USC 5665, Department of Justice Appropriations Act, 2013 (P.L. 113-6)
Title V JJDP-A							
Delinquency Prevention Program (formerly Title V)	2008	indef	62,000	20,000	20,000	56,000	42 USC 5671(a)(1)
Enforcing Underage Drinking Laws (EUDL)	N/A, 2007	N/A, indef	[25,000]	[5,000]	[5,000]	[0]	43 USC 5671(a)(1)
Gang Prevention/Gang and Youth Violence Prevention and Intervention Initiatives				[5,000]	[5,000]	[0]	44 USC 5671(a)(1)
Tribal Youth Program				[10,000]	[10,000]	[0]	45 USC 5671(a)(1)
Juvenile Justice and Education Collaboration Assistance (JJCEA)				[0]	[0]	[20,000]	46 USC 5671(a)(1)
Child Abuse Training Programs for Judicial Personnel and Practitioners				[0]	[0]	TBD	47 USC 5671(a)(1)
VOCA - Improving Investigation and Prosecution of Child Abuse Program				[0]	[0]	TBD	42 USC 13004(a) and (b)
Court Appointed Special Advocate Program				[0]	[0]	TBD	42 USC 13014(a)
Juvenile Accountability Block Grants	2009	350,000	55,000	30,000	30,000	30,000	42 USC 3796e-10
6/ Community-Based Violence Prevention Initiative	N/A	N/A	N/A	8,000	8,000	25,000	Department of Justice Appropriations Act, 2013 (P.L. 113-6)
Safe Start Program	2007	indef	9,899	0	0	0	42 USC 5665

**DEPARTMENT OF JUSTICE
AUTHORIZATION OF APPROPRIATIONS**
(Dollars in Thousands)

Appropriated Program	Last Year of Express Authorization of Appropriation	Auth Level in Last Year of Express Authorization of Appropriation	Appropriation in Last Year of Express Authorization of Appropriation	FY 2012 Amount Appropriated or specified in report	FY 2013 Continuing Resolution if	FY 2014 Request	Authorization of Appropriation Citation
Victims of Child Abuse Act	2005	8,481	11,000	18,000	18,000	0	42 USC 13004(a) and (b)
Sec. 213-Reg Child Advocacy Ctr	2005	15,000	0	[5,000]	[5,000]	0	42 USC 13004(a)
Sec. 214a-Tech Assistance/Training	2005	15,000	0	0	0	0	42 USC 13004(b)
Competitive Grant for Girls in the Justice System	N/A	N/A	N/A	0	0	2,000	an act appropriating funds for the program
Juvenile Justice Realignment Incentive Grants				0	0	20,000	an act appropriating funds for the program
Children of Incarcerated Parents Web Portal				0	0	500	an act appropriating funds for the program
Weed and Seed	2009	undef.	25,000	0	0	0	42 USC 3712a
Community Policing	2009	1,047,119	550,500	198,500	198,500	439,500	42 USC 3793(a)(11)(A)
Salaries and Expenses	2009	35,257	0	To be derived from grant programs	To be derived from grant programs	To be derived from grant programs	
Secure Our Schools	2009	30,000	[16,000]	0	0	0	42 USC 3797e
Violence Against Women							
Salaries and Expenses	2009	16,837	0	To be derived from grant programs	To be derived from grant programs	To be derived from grant programs	P.L. 109-162
Law Enforcement and Prosecution Grants to Combat Violence Against Women (STOP)	2018	222,000	N/A	189,000	189,000	189,000	42 USC 3793(a)(18)
Encouraging Arrest Policies	2018	73,000	N/A	50,000	50,000	50,000	42 USC 3793(a)(19)
Homicide Reduction Initiative				[4,000]	[4,000]	[4,000]	
Rural Domestic Violence	2018	50,000	N/A	34,000	34,000	37,500	42 USC 13871(e)
Stalking Databases	2018	3,000	N/A	0	0	0	42 USC 14032
12/ Safe Havens	2011	20,000	N/A	11,500	11,500	0	42 USC 10420(e)
12/ Grants to Support Families in the Justice System	2018	22,000				16,000	42 USC 10420(e)
Educating & Training VAWA w/Disabilities	2018	9,000	N/A	5,750	5,750	5,750	42 USC 3796gg-7(e)
Legal Assistance for Victims Program	2018	57,000	N/A	41,000	41,000	41,000	42 USC 3796gg-6(f)(1)
Violence on College Campuses	2018	12,000	N/A	9,000	9,000	9,000	42 USC 14045(e)
Training Grants (Elder) Program	2018	3,000	N/A	4,250	4,250	4,250	42 USC 14041b
Transitional Housing	2018	35,000	N/A	25,000	25,000	23,000	42 USC 13975(g)(1)
Sexual Assault Victims Assistance	2018	40,000	N/A	23,000	23,000	23,000	42 USC 14043g(h)(1)
6/ Consolidated Youth-Oriented Program	N/A	N/A	N/A	10,000	10,000	10,000	Department of Justice Appropriations Act, 2013 (P.L. 113-6)
6/ Engaging Men and Youth in Prevention	2011	10,000	N/A	0	0	0	42 USC 14043a-4(b)
Services to Advocate and Respond to Youth	2011	15,000	N/A	0	0	0	42 USC 14043c(f)
Grants to Assist Children and Youth Exposed to Violence	2011	20,000	N/A	0	0	0	42 USC 14043d-2(b)
12/ Court Training Improvements Program	2011	5,000	N/A	4,500	4,500	0	42 USC 14043a-3(a)
Indian Country - Sexual Assault Clearinghouse	N/A	N/A	N/A	500	500	500	Department of Justice Appropriations Act, 2013 (P.L. 113-6)
National Resources Center on Workplace Responses	2018	1,000	N/A	1,000	1,000	500	42 USC 14043(e)
8/ Research on Violence Against Indian Women	2015	1,000	940	1,000	1,000	1,000	42 USC 3796gg-10 (note)
National Tribal Sex Offender Registry/Tracking of Violence Against Indian Women	2018	1,000	N/A	0	0	0	28 USC 534 (note)
6/ Research and Evaluation of Violence Against Women	N/A	N/A	N/A	3,000	3,000	3,000	Department of Justice Appropriations Act, 2013 (P.L. 113-6)
Supporting Teens Through Education Program	2011	5,000	N/A	0	0	0	42 USC 14043c-30(k)(1)
VAWA Tribal Government Grants Program				[35,270]	[35,270]	[35,320]	
VAWA Tribal Coalitions Grants				[3,605]	[3,605]	[3,605]	
Victims of Child Abuse							
Court-Appel Special Adv	2011	12,000	N/A	4,500	4,500	0	42 USC 13014(a)
Training for Judicial Personnel	2005	2,300	0	1,500	1,500	0	42 USC 13024(a)
Grants for Televised Testimony	2005	1,000	0	0	0	0	42 USC 3793(a)(7)

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State and Local Law Enforcement							
2nd Chance Act/Prisoner Reentry (Adult and Juvenile State and Local Reentry)	2010	\$5,000	100,000	63,000	63,000	119,000	42 USC 3797w(e)
Smart Probation				[4,000]	[4,000]	[10,000]	an act appropriating funds for the program
Pay for Success (discretionary)				[0]	[0]	[30,000]	an act appropriating funds for the program
Pay for Success (Permanent Supportive House Mode)				[0]	[0]	[10,000]	an act appropriating funds for the program
Children of Incarcerated Parents Demonstration Grants				[0]	[0]	[5,000]	an act appropriating funds for the program
6/ State and Local Gun Violence Prosecution Assistance/Gun Violence Reduction	N/A	N/A	N/A	5,000	5,000	5,000	Department of Justice Appropriations Act, 2013 (P.L. 113-6)
6/ Southwest Border Prosecutor Initiative	N/A	N/A	N/A	10,000	10,000	0	Department of Justice Appropriations Act, 2013 (P.L. 113-6)
7/ Bulletproof Vest Partnership	2012	50,000	N/A	24,000	24,000	0	42 USC 3793(a)(23)
Criminal Records Upgrades	2007	250,000	0	6,000	6,000	50,000	42 USC 14601(e)(1)-5250 msl auth. for FY 2007/oint for several programs
Paul Coverdell Grants	2009	20,000	25,000	12,000	12,000	0	42 USC 3793(a)(24)
State Criminal Alien Assistance	2011	950,000	N/A	240,000	240,000	0	8 USC 1231(i)(5)
Prison Rape Prevention and Prosecution	2010	40,000	N/A	12,500	12,500	10,500	42 USC 15605(g)(1)
Byrne Justice Assistance Grant Program (JAG)	2012	1,095,000	N/A	370,000	370,000	395,000	42 USC 3758
Presidential Nominating Conventions	N/A	N/A	N/A	100,000	100,000	0	Department of Justice Appropriations Act, 2012 (P.L. 112-55)
6/ State and Local Antiterrorism Training (SLATT)	N/A	N/A	N/A	[2,000]	[2,000]	[2,000]	Department of Justice Appropriations Act, 2013 (P.L. 113-6)
National Institute of Justice to assist units of local govt with law enforcement technology	N/A	N/A	N/A	0	0	0	
Research on Domestic Radicalization				[4,000]	[4,000]	[0]	an act appropriating funds for the program
Criminal Justice Reform and Recidivism Reduction				[6,000]	[6,000]	[0]	an act appropriating funds for the program
State and Local Assistance Help Desk and Diagnostic Center (E2)				[4,000]	[4,000]	[2,000]	an act appropriating funds for the program
VALDR Initiative				[2,000]	[2,000]	[15,000]	an act appropriating funds for the program
Smart Policing				[0]	[0]	[10,000]	an act appropriating funds for the program
Smart Prosecution				[0]	[0]	[5,000]	an act appropriating funds for the program
Voter Education on Puerto Rico Plebiscite				[0]	[0]	[2,500]	an act appropriating funds for the program
6/ Prescription Drug Monitoring	N/A	N/A	N/A	7,000	7,000	7,000	Department of Justice Appropriations Act, 2013 (P.L. 113-6)
6/ Indian Programs				38,000	38,000	0	Department of Justice Appropriations Act, 2013 (P.L. 113-6)
Tribal Courts	2004	indef	7,898	0	0	0	25 USC 3681(d)
6/ Alcohol and Substance Abuse	N/A	N/A	N/A	0	0	0	Department of Justice Appropriations Act, 2013 (P.L. 113-6)
Indian Prison Grants	2000	2,753	5,000	0	0	0	42 USC 13708(a)
6/ Training/TA Civil and Criminal Legal Assistance				0	0	0	Department of Justice Appropriations Act, 2013 (P.L. 113-6)
6/ 7/ DNA Related and Forensic Programs and Activities	N/A	N/A	N/A	125,000	125,000	100,000	Department of Justice Appropriations Act, 2013 (P.L. 113-6)
6/ For the purposes of the Kirk Bloodsworth post-conviction DNA testing	N/A, 2009	N/A, 5,000	[5,000]	[4,000]	[4,000]		42 USC 14136a(b), Department of Justice Appropriations Act, 2013 (P.L. 113-6)
6/ Sexual Assault Nurse Examiners Program				[4,000]	[4,000]		42 USC 14136a, Department of Justice Appropriations Act, 2013 (P.L. 113-6)
6/ DNA Analysis and Capacity Enhancement/Other Forensics (including for the purposes of Debbie Smith)	N/A, 2014	N/A, 151,000		[117,000]	[117,000]		42 USC 14135(j), Department of Justice Appropriations Act, 2013 (P.L. 113-6)
Sexual Assault Evidence Kit Backlog Reduction				[0]	[0]	[20,000]	an act appropriating funds for the program
Criminal Justice Reform and Recidivism Efforts by the States/Justice Reinvestment Initiative	N/A	N/A	N/A	[0]	[0]	85,000	Department of Justice Appropriations Act, 2010 (P.L. 111-117 and P.L. 112-10)
John R. Justice Student Loan Repayment	2014	such sums	N/A	4,000	4,000	0	42 USC 3797cc-21(g)
Mixing Alzheimer's Patient Program	1999	900	898	1,000	1,000	0	42 USC 14181(d)(3)

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Capital Litigation Improvement Grants (including Wrongful Conviction Review Program)	2009	75,000	5,500	3,000	3,000	2,000	42 USC 14163e
Drug Courts	2008	70,000	15,200	35,000	35,000	0	42 USC 3793(a)(25)
Residential Substance Abuse Treatment	2000	72,000	61,677	10,000	10,000	19,000	42 USC 3793(a)(17)(E)
Victims of Trafficking	2011	10,000, 1,000	N/A	10,500	10,500	10,500	22 USC 7110, 42 USC 14044(c)(d)
7/ Sex Offender Management Assistance (SOMA)	2009	indef.	5,000	0	0	0	42 USC 16926(d)
6/ National Sex Offender Public Website	N/A	N/A	N/A	1,000	1,000	1,000	42 USC 16920; Department of Justice Appropriations Act, 2013 (P.L. 113-6)
7/ Mentally Ill Offender Act	2014	50,000	N/A	9,000	9,000	0	42 USC 3797aa(f)
8/ Northern Border Prosecutor Grants	N/A	N/A	N/A	0	0	0	
6/ Byrne Competitive Grants	N/A	N/A	N/A	15,000	15,000	15,000	Department of Justice Appropriations Act, 2013 (P.L. 113-6)
Byrne Incentive Grants				0	0	40,000	an act appropriating funds for the program
Hawaii Opportunity Probation with Enforcement (HOPE)				0	0	10,000	an act appropriating funds for the program
6/ Economic, High-Tech, Cybercrime Prevention	N/A	N/A	N/A	7,000	7,000	9,000	Department of Justice Appropriations Act, 2013 (P.L. 113-6)
Intellectual Property Enforcement Program				[0]	[0]	[2,500]	an act appropriating funds for the program
National Instant Background Check System (NICS)	2013	125,000; 62,500	N/A	5,000	5,000	5,000	NICS Improvement Amendment Act of 2007 (P.L. 110-180 Secs. 103 and 301)
6/ Training - Probation & Parole Officers	2011	5,000	N/A	0	0	0	42 USC 1394f
6/ Byrne Criminal Justice Innovation Program	N/A	N/A	N/A	15,000	15,000	35,000	Department of Justice Appropriations Act, 2013 (P.L. 113-6)
Adam Walsh Act	2009	indef.	N/A	20,000	20,000	20,000	42 USC 16926(d)
6/ Defending Childhood/Children Exposed to Violence Initiative	N/A	N/A	N/A	10,000	10,000	23,000	Department of Justice Appropriations Act, 2013 (P.L. 113-6)
Problem Solving Justice	2008; 2014	70,000; 50,000	N/A	0	0	44,000	42 USC 3793(a)(25); 42 USC 3797aa(f)
Justice Information Sharing and Technology (JIST)	N/A	N/A	N/A	0	0	0	
Public Safety Officers' Benefits							
Death Benefits	indef.	indef.	N/A	62,000	62,000	65,000	42 USC 3793(a)(4)
Disability Benefits	indef.	5,000	N/A		16,300		42 USC 3793(a)(4); 42 USC 3796(b)
Public Safety Officer Dependents Ass.	indef.	indef.	N/A	16,300		16,300	42 USC 3793(a)(4); 42 USC 3796d-7
Crime Victims Fund	indef.	indef.	705,000	705,000	705,000	800,000	42 USC 10601 et seq.
10/ Vision 21				[0]	[0]	[43,000]	an act appropriating funds for the program
Domestic Trafficking Victims Grant				[0]	[0]	[10,000]	an act appropriating funds for the program

1/ The FY 2013 column reflects a full-year continuing resolution as this crosswalk was developed prior to the enactment of the Consolidated and Further Continuing Appropriations Act, 2013. The across the board rescissions and sequester reduction included in the final enacted FY 2013 appropriation is not reflected in the FY 2013 column.

2/ In 2013, the Office of the Federal Detention Trustee started merging with the U.S. Marshals Service. The costs associated with the care of federal detainees will be funded through the U.S. Marshals Service, Federal Prisoner Detention appropriation.

3/ The amount is subject to negotiation between the Attorney General and Secretary of Health and Human Services.

4/ Number includes total appropriation, including \$4 million transfer from DHS Immigration Examinations Fee.

5/ The National Security Division was established by Section 506(b)(1), P.L. 109-177, and received appropriations in FY 2007 - 2013. However, there have not been any authorizations of appropriations for the National Security Division.

6/ We tried to reference the Department of Justice Appropriations Act, 2013 where possible when it was the most recent appropriation that authorized a certain program, but note that the numbers do not reflect the amounts given by this Act, but instead reflect the amount we had expected in a full year continuing resolution.

7/ In FY 2011 this program was appropriated under COPS and administered by OJP, however, it was appropriated under OJP in FY 2012 and FY 2013.

8/ In FY 2011 the program was appropriated to OJP. In FY 2012 and FY 2013 this program was appropriated to OVV.

9/ The Consolidated Youth Oriented Program includes the following programs: Engaging Men and Youth in Prevention, Grants to Assist Children and Youth Exposed to Violence, Supporting Teens Through Education Program, and Services to Advocate and Respond to Youth.

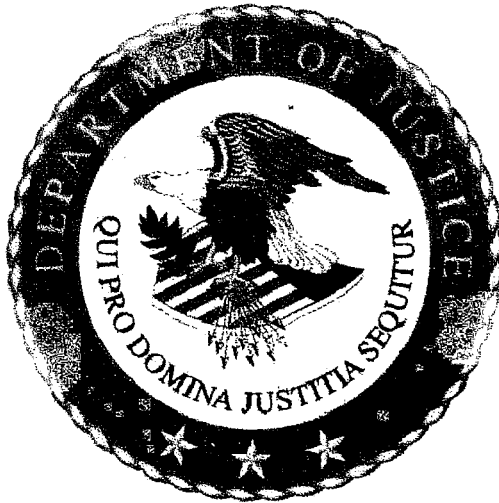
10/ Within the funding set aside for the Vision 21 Initiative \$25.0 million will support assistance for tribal victims of violence.

11/ PL 111-347 provides \$875 million over the first 5 years. The amounts provide for FY 2012 (\$200 million), FY 2013 (\$322 million) and FY 2014 (\$200 million) are estimates.

12/ The Violence Against Women Reauthorization, 2013 codified the consolidation of the Safe Havens and Court Improvements Programs.

13/ This chart generally references the authorization of appropriations, not the Acts authorizing operation of specific programs.

U.S. DEPARTMENT OF JUSTICE



**CONGRESSIONAL
AUTHORIZATION AND
BUDGET SUBMISSION**

FISCAL YEAR 2014

Volume I

Justice Management Division, Budget Staff

U.S. Department of Justice
FY 2014 PERFORMANCE BUDGET
Congressional Submission

General Administration



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I. Overview of General Administration

For the General Administration (GA), the Department of Justice (DOJ) requests a total of 631 permanent positions (177 attorneys), 536 FTE (29 reimbursable), and \$126,208,000 for FY 2014. This request represents an increase of \$15,386,000 from the FY 2012 Enactment, attributable in large part to budget-neutral proposals to make transfers from other components permanent and realign functions within the GA appropriation. Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address:
<http://www.justice.gov/02organizations/bpp.htm>.

For GA, the primary mission is to support the Attorney General and DOJ senior policy level officials in managing Department resources and developing policies for legal, law enforcement, and criminal justice activities. GA also provides administrative support services to the legal divisions and policy guidance to all Department organizations. GA's mission supports every aspect of the DOJ strategic plan. Most GA offices have significant oversight responsibilities that shape DOJ policy and influence the way the Department works toward meeting each of its strategic goals.

GA consists of four decision units: Department Leadership, Intergovernmental Relations and External Affairs, Executive Support and Professional Responsibility, and the Justice Management Division.

Department Leadership, including the Offices of the Attorney General, Deputy Attorney General, Associate Attorney General, Privacy and Civil Liberties, Rule of Law, and Access to Justice, develops policies regarding the administration of justice in the United States, and directs and oversees the administration and operation of the Department's bureaus, offices, and divisions to ensure DOJ's success in meeting its strategic goals. These offices also provide advice and opinions on legal issues to the President, members of Congress, and the heads of Executive Departments and Agencies.

Intergovernmental Relations and External Affairs includes the Offices of Public Affairs, Legislative Affairs and Tribal Justice. These offices conduct legal and policy analysis of the initiatives necessary for DOJ to meet its strategic goals, and in the many areas in which the Department has jurisdiction or responsibilities. They also act as liaison with federal, state, local and tribal governments, law enforcement officials, the media and Congress on Department activities.

Executive Support and Professional Responsibility includes the Offices of Legal Policy, Professional Responsibility, Information Policy and the Professional Responsibility Advisory Office. This decision unit plans, develops, and coordinates the implementation of major policy initiatives of high priority to the Department and to the administration and represents the Department in the administration's judicial process for Article III judges. This decision unit also oversees the investigation of allegations of criminal and ethical misconduct by the Department's attorneys, criminal investigators, or other law enforcement personnel.

Justice Management Division provides advice to senior DOJ officials and develops departmental policies in the areas of management and administration, ensures compliance by DOJ components with departmental and other federal policies and regulations, and provides a full range of management and administration support services.

For performance reporting purposes, resources for GA offices are included under Goal Two, Prevent Crime, Protect the Rights of the American People, and enforce Federal Law, Objective 2.6, Protect the federal fisc and defend the interests of the United States. GA's budget is integrated with its own priorities as well as the Department's Strategic Goals and Objectives.

Environmental and Sustainability Services (ESS) is a program responsibility that falls under the Justice Management Division. The duties of this program are to provide guidance for Department compliance on legislation, executive orders, and other regulations. The staff also provides leadership and support to DOJ components, develops and implements DOJ environmental and energy policies, ensures the Department complies with the DOJ occupational safety and health order, and represents DOJ on interagency workgroups among other tasks. ESS has primary responsibility for meeting the various regulatory mandates.

There are three primary Executive Orders (EOs) that govern the activities under ESS areas:

- EO 13423 – “Strengthening Federal Environmental, Energy, and Transportation Management”
- EO 13514 – “Federal Leadership in Environmental, Energy, and Economic Performance” and
- EO 12196 – “Occupational Safety and Health Programs for Federal Employees”

There are also four key pieces of legislation that guide ESS activities:

- Energy Independence and Security Act, 2007,
- Energy Policy Act (EPAct) of 2005
- The Occupational Safety and Health Act of 1970, and
- 29 C.F.R. Part 1960, Basic Program Elements for Federal Employee Occupational Safety and Health Programs

Both EOs 13514 and 13423 include sustainable practices which Federal agencies are encouraged to implement. EO 13514 requires Federal agencies to annually submit the Strategic Sustainability Performance Plan (SSPP) to the Council on Environmental Quality (CEQ) Chair and the Director of the Office of Management and Budget (OMB). The SSPP integrates previous EOs, statutes, and requirements into a single framework that details the agency strategy for achieving goals and targets required. The SSPP explains how the agency will progress from today toward achieving each goal. The Department submitted the SSPP on June 29, 2012. There are eight goals and three additional plans under the Department's SSPP.

- GOAL 1: Greenhouse Gas Reduction and Maintenance of Agency Comprehensive Greenhouse Gas Inventory
- GOAL 2: Buildings, ESPC Initiative Schedule, and Regional & Local Planning
- GOAL 3: Fleet Management

- GOAL 4: Water Use Efficiency and Management
- GOAL 5: Pollution Prevention and Waste Reduction
- GOAL 6: Sustainable Acquisition
- GOAL 7: Electronic Stewardship and Data Centers
- GOAL 8: Agency Innovation & Government-Wide Support

Additional plans: Climate Change Adaptation Plan, Fleet Management Plan and Bio-based Purchasing Strategy.

In addition to having the lead on coordinating efforts to meet the SSPP goals for the Department, ESS also has responsibility for the following:

- Developing and implementing a department level higher-tier Environmental Management System (EMS) as the primary management approach for addressing environmental aspects of internal agency operations and activities, including environmental aspects of energy and transportation functions.
- Coordinating and Submitting the Strategic Sustainability Performance Plan to CEQ/OMB annually in June – submitted June 29, 2012.
- Submitting the Climate Adaptation Plan to CEQ/OMB -- submitted June 29, 2012.
- Developing an Electronic Stewardship Program to include acquisition, operation & maintenance and disposal of electronic products. Completed the Department program planning in November, 2012.
- Submitting Department Greenhouse Gas (GHG) inventory to CEQ and OMB annually in January. Submitted the GHG inventory and annual energy report to OMB on January 31, 2013.
- Submitting the Department OMB scorecard semiannually to OMB (January and July) and following through with bureaus and components for improvement. Submitted the OMB scorecard on January 31, 2013.
- Implementing and updating the status of the Energy Savings Performance Contracts (ESPC) to OMB monthly through the end of 2013. Submitted the ESPC contracts' status in the OMB scorecard on January 31, 2013.
- Responding to internal and external customer concerns regarding environmental, health and safety program areas.
- Working closely with Procurement Staff in the sustainable acquisitions program area. Issued Procurement Guidance Document, "Requirement to Incorporate Biobased Terms and Conditions in Solicitations" in December, 2012.
- Developing the safety program for the Offices, Boards, and Divisions.
- Composing the annual Department OSHA report which is submitted to the Department of Labor. Submitted on January 1, 2013.
- Conducting safety evaluations for the Bureaus, Offices, Boards, and Divisions.
- Providing oversight and acting as a safety resource for all DOJ employees.

II. Summary of Program Changes

Item Name	Description				Page
		Pos.	FTE	Dollars (\$000)	
Tribal Justice	Funding and staffing to support the Office of Tribal Justice. Includes 3 attorneys to work on legal issues.	3	3	530	18
Admin Efficiencies	Identified across-the-board economies of scale that result in increased efficiencies and cost savings.			-200	20
IT Savings	Represents savings that will be generated through greater inter-component collaboration in IT contracting.			-14	22

II. Appropriations Language and Analysis of Appropriations Language

Appropriations Language

For expenses necessary for the administration of the Department of Justice, [\$110,822,000] \$126,208,000, of which not to exceed \$4,000,000 for security and construction of Department of Justice facilities shall remain available until expended: Provided, That the Attorney General is authorized to transfer funds appropriated within the General Administration to any office in this account: Provided further, That this transfer authority is in addition to transfers authorized under section 504 [505] of this Act.

Analysis of Appropriations Language

No substantive changes.

Note.--A full-year 2013 appropriation for this account was not enacted at the time the budget was prepared; therefore, the budget assumes this account is operating under the Continuing Appropriations Resolution, 2013 (P.L. 112-175). The amounts included for 2013 reflect the annualized level provided by the continuing resolution.

III. Decision Unit Justification

A. Department Leadership

<i>Department Leadership</i>	Direct Pos.	Estimate FTE	Amount
2012 Enacted	71	64	\$18,401
2013 Continuing Resolution	71	64	18,401
2013 Continuing Resolution 0.612% Increase			108
Base and Technical Adjustments			178
2014 Current Services	71	64	18,687
2014 Program Increases			
2014 Program Offsets			
2014 Request	71	64	18,687
Total Change 2012-2014	0	0	286

1. Program Description

The Department Leadership decision unit includes the Office of the Attorney General, the Office of the Deputy Attorney General, the Office of the Associate Attorney General, the Office of Privacy and Civil Liberties, the Rule of Law Office and Access to Justice. The general goals and objectives of the Department Leadership decision unit are:

- Advise the President on Constitutional matters and legal issues involving the execution of the laws of the United States.
- Formulate and implement policies and programs that advise the administration of justice in the United States.
- Provide executive-level leadership in: the prevention of terrorism, the continuing war on drugs, combating violent crimes, investigating and prosecuting fraud and other white collar crimes, diminishing prison overcrowding, and, enforcing environmental and civil rights laws.
- Provide executive-level oversight and management of: international law enforcement training and assistance, financial institutions reform, recovery, and enforcement programs, and investigative policy.
- Coordinate criminal justice matters with federal, state, and local law enforcement and criminal justice agencies.
- Prepare and disseminate an *Annual Report* to the Congress and the public regarding the programs and accomplishments of the Department of Justice.
- Develop, review, and oversee the Department's privacy policies and operations to ensure privacy compliance.

The Attorney General (AG), as head of the DOJ, is the nation's chief law enforcement officer and is appointed by the President and confirmed by the Senate. The AG furnishes advice and opinions on legal matters to the President, the Cabinet and to the heads of the executive departments and agencies of the government, as provided by law, and makes recommendations to the President concerning appointments within the Department, including U.S. Attorneys and

U.S. Marshals. The AG appears in person to represent the Government before the U.S. Supreme Court in cases of exceptional gravity or importance, and supervises the representation of the government in the Supreme Court and all other courts, foreign and domestic, in which the United States is a party or has an interest as may be deemed appropriate. The AG supervises and directs the administration and operation of the DOJ, including the Federal Bureau of Investigation, Drug Enforcement Administration, Bureau of Alcohol, Tobacco, Firearms and Explosives, Bureau of Prisons, Office of Justice Programs, U.S. Attorneys, and U.S. Marshals Service.

The Deputy Attorney General (DAG) advises and assists the AG in formulating and implementing Department policies and programs and in providing overall supervision and direction to all organizational units of the Department. The DAG is appointed by the President and confirmed by the Senate and is second in command of the Department. The DAG exercises all the power and authority of the AG unless any such power of authority is required by law to be exercised by the AG personally or has been specifically delegated exclusively to another Department official. The DAG exercises the power and authority vested in the AG to take final action in matters specifically pertaining to: (1) the employment, separation, and general administration of personnel in the Senior Executive Service (SES) and of attorneys and law students regardless of grade or pay, (2) the appointment of special attorneys and special assistants to the AG, (3) the appointment of Assistant U.S. Trustees and fixing of their compensation, and (4) the approval of the appointment by U.S. Trustees of standing trustees and the fixing of their maximum annual compensation and percentage fees as provided in 28 U.S.C. 586 (e). The DAG also coordinates departmental liaison with White House staff and the Executive Office of the President, and coordinates and controls the Department's reaction to terrorism and civil disturbances.

The Associate Attorney General (AAG) is appointed by the President and is subject to confirmation by the Senate. As the third-ranking official of the Department, the AAG is a principal member of the AG's senior management team and advises and assists the AG and DAG on the formulation and implementation of DOJ policies and programs. The AAG coordinates departmental liaison with the White House staff and prepares recommendations for the consideration of the AG for judicial appointments and presidential appointments within the Department. In addition to these duties, the AAG oversees the work of the Antitrust, Civil, Civil Rights, Environment and Natural Resources, and Tax Divisions. This office also has oversight responsibility for the Office of Justice Programs, the Office of Community Oriented Policing Services, the Community Relations Service, the Office on Violence Against Women, the Office of Information Policy, the Executive Office for U.S. Trustees, and the Foreign Claims Settlement Commission.

The Office of Privacy and Civil Liberties (OPCL) is responsible for refining the Department's policies relating to the protection of individual civil rights, specifically in the context of the Department's counterterrorism and law enforcement efforts, and coordinating the work of the Department related to the protection of privacy and civil liberties. The OPCL also ensures that the appropriate Department personnel receive training on the additional privacy and civil liberties protections provided in the Patriot Improvement and Reauthorization Act. OPCL works with the Inspector General to ensure that all reports required by that Act regarding privacy and civil liberties are submitted.

In March 2007, pursuant to his responsibilities under 22 U.S.C 3927 and 2656, the U.S. Ambassador in Iraq reorganized all civilian and law enforcement efforts supporting Rule of Law in Iraq under a single authority, and named a senior Justice Department official as the Rule of Law Coordinator at the Embassy. The ROL Coordinator provided oversight for more than 80 personnel under Chief of Mission authority, coordinated these efforts with United States Forces-Iraq to ensure a unified effort, and served as an advisor to the Ambassador on justice-related issues. In December 2011, with the final withdrawal of all U.S. forces from Iraq and the normalization of the U.S. Embassy in Baghdad, DOJ made the transition from the leadership role for Rule of Law development in Iraq under the DOJ-led Office of the Rule of Law Coordinator to a smaller, more-focused mission supervised by the Office of the Justice Attaché. The Justice Attaché is now the senior DOJ official in Iraq and is responsible for the Embassy's liaison relationship with the Iraqi court system and the Ministry of Justice, Iraq-related operational matters within Iraqi or U.S. courts, and the coordination of DOJ-implemented capacity building programs.

The primary focus of the Access to Justice Initiative is to help the justice system efficiently deliver outcomes that are fair and accessible to all, irrespective of wealth and status. The Initiative's staff works within the Department of Justice, across federal agencies, and with state, local, and tribal justice system stakeholders to increase access to counsel and legal assistance and to improve the justice delivery systems that serve people who are unable to afford lawyers.

B. Intergovernmental Relations/External Affairs

Intergovernmental Relations/External Affairs	Direct Pos.	Estimate FTE	Amount
2012 Enacted	46	42	\$8,142
2013 Continuing Resolution	46	41	8,142
2013 Continuing Resolution 0.612% Increase			47
Base and Technical Adjustments	4	1	1,107
2014 Current Services	50	42	9,296
2014 Program Increases	3	3	530
2014 Program Offsets			
2014 Request	53	45	9,826
Total Change 2012-2014	7	3	1,684

Note: The majority of the increase in base and technical adjustments is for transfers from components to centralize funding for the Office of Tribal Justice.

1. Program Description

The Intergovernmental Relations/External Affairs decision unit consists of the Offices of Public Affairs, Legislative Affairs and Tribal Justice. The general goals and objectives of the Intergovernmental Relations/External Affairs program are to:

- Improve the process of reviewing and clearing through the Department legislative proposals initiated by other agencies within the Administration.

- Maintain an efficient and responsive legislative liaison service operation.
- Provide support in advancing the Administration's overall legislative agenda.
- Assure policy consistency and coordination of Departmental initiatives, briefing materials, and policy statements.
- Disseminate timely, accurate information about the Department, the AG and the Administration's law enforcement priorities, policies and activities to the media and the general public.
- Enhance and promote the enforcement goals of the Department by distributing news releases, coordinating press conferences, telephone and video conferences to announce indictments, settlements, and statements on civil rights, environmental, criminal, antitrust, and other Department enforcement activities.
- Ensure that all applicable laws, regulations and policies involving the release of information to the public are followed so that material is not made public that might jeopardize investigations and prosecutions, violate rights of defendants or potential defendants or compromise national security interests.
- Promote internal uniformity of Department policies and litigating positions relating to Indian country.
- Advise Department components litigating, protecting or otherwise addressing Native American rights and/or related issues.

The Office of Public Affairs (PAO) is the principle point of contact for DOJ with the public and the media. PAO is responsible for ensuring the public is informed about the Department's activities and the priorities and policies of the AG with regard to law enforcement and legal affairs. Its staff advises the AG and other Department officials on all aspects of media relations and general communications. The Office also coordinates the public affairs units for Departmental components. PAO also prepares and issues Department news releases and frequently reviews and approves those issued by components. It serves reporters assigned to the Department by responding to queries, issuing news releases and statements, arranging interviews, and conducting news conferences. PAO ensures that information provided to the media by the Department is current, complete, and accurate. It also ensures that all applicable laws, regulations, and policies involving the release of information to the public are followed so that the maximum disclosure is made without jeopardizing investigations and prosecutions, violating rights of individuals, or compromising national security interests.

The Office of Legislative Affairs (OLA) has responsibility for devising and implementing the legislative strategy to carry out the AG's initiatives that require congressional action. Similarly, OLA articulates the views of the Department, including the components, on congressional legislative initiatives. OLA responds for the Department to requests and inquiries from congressional committees, individual congressional members, and their staffs. It coordinates congressional oversight activities involving the Department, as well as the appearances of Department witnesses and the interagency clearance of all congressional testimony. OLA participates in the Senate confirmation process for federal judges and Department nominees, such as Assistant Attorneys General and U.S. Attorneys.

There are over 54 million acres of Indian country, the majority of which is under federal jurisdiction. Hundreds of federal cases, in addition to other conflicts needing resolution are

generated in this area each year. The Office of Tribal Justice (OTJ) is responsible for serving as the primary point of contact between the 566 federally recognized tribes and the Department in these matters. OTJ coordinates these complex matters, the underlying policy, and emerging legislation between more than a dozen DOJ components active in Indian country. External coordination with the Departments of Interior, Health and Human Services, and Homeland Security, as well as the Congress is another of OTJ's duties. OTJ also provides legal expertise in Indian law to the Department in those matters that progress to the Appellate level, or issues being considered for legislation. In FY 2014, this formerly fully reimbursable office will be converted to appropriated via adjustment to base transfers from the contributing components.

C. Executive Support/Professional Responsibility

Executive Support/Professional Responsibility	Direct Pos.	Estimate FTE	Amount
2012 Enacted	58	53	\$12,971
2013 Continuing Resolution	58	51	12,971
2013 Continuing Resolution 0.612% Increase			81
Base and Technical Adjustments	67	53	12,081
2014 Current Services	125	104	25,133
2014 Program Increases			
2014 Program Offsets			-200
2014 Request	125	104	24,933
Total Change 2012-2014	67	51	11,962

Note: The majority of the increase in base and technical adjustments is for transfers from components to centralize funding for the Office of Information Policy and the Professional Responsibility Advisory Office and to realign 3 positions from the Executive Office for United States Attorneys to the Office of Professional Responsibility.

1. Program Description

The Executive Support/Professional Responsibility decision unit consists of the Offices of Legal Policy, Professional Responsibility, Information Policy, and the Professional Responsibility Advisory Office. The general goals and objectives of this decision unit are to:

- Improve the Department's efficacy in providing substantive and timely input on the Administration's law enforcement initiatives as well as other legislative proposals affecting Department responsibilities.
- Handle the processing of judicial and other nominations efficiently and responsively.
- Oversee the investigation of allegations of criminal and ethical misconduct by the Department's attorneys, criminal investigators, or other law enforcement personnel.
- Assist Department components in processing Freedom of Information Act (FOIA) requests from the public, as well as promote effective FOIA operations across the Executive Branch.

The Office of Legal Policy (OLP) plans, develops, and coordinates the implementation of major policy initiatives of high priority to the Department and the Administration and represents the Department in the Administration's judicial process for Article III judges. OLP is headed by an Assistant Attorney General who is appointed by the President and confirmed by the Senate. OLP

also absorbed the functions of the Office of Dispute Resolution (ODR) in FY 2012 from the General Legal Activities appropriation. The mission of ODR is to promote and facilitate the broad and effective use of alternative dispute resolution processes in settling litigation handled by the Department of Justice and in resolving administrative disputes throughout the Executive Branch of the Federal Government.

The Office of Professional Responsibility (OPR), which reports directly to the AG, is responsible for investigating allegations of misconduct by DOJ attorneys in their duties to investigate, represent the government in litigation, or provide legal advice. In addition, OPR has jurisdiction to investigate allegations of misconduct by law enforcement personnel when they are related to allegations of attorney misconduct within the jurisdiction of OPR. OPR's primary objective is to ensure that DOJ attorneys continue to perform their duties in accordance with the high professional standards expected of the nation's principal law enforcement agency. OPR is headed by the Counsel for Professional Responsibility, who is a career government official. Under the Counsel's direction, OPR reviews allegations of attorney misconduct involving violation of any standard imposed by law, applicable rules of professional conduct, or departmental policy. When warranted, OPR conducts full investigations of such allegations and reports its findings and conclusions to the Attorney General and other appropriate Department officials. The Professional Misconduct Review Unit is responsible for all disciplinary and state bar referral actions relating to OPR findings of professional misconduct against career attorneys. OPR also oversees the Federal Bureau of Investigation's Office of Professional Responsibility and the Drug Enforcement Administration's Office of Professional Responsibility and serves as the Department's contact with state bar disciplinary organizations. The objectives of OPR are different from the Office of the Inspector General (OIG) in that OPR focuses on allegations of misconduct which affect the ability of the Department to investigate, litigate, or prosecute, while the OIG focuses on allegations of waste and abuse and other matters which do not implicate the ability of the Department to investigate, litigate or prosecute. In FY 2014, OPR is receiving a transfer of 3 positions and \$618,000 from the United States Attorneys to permanently fund positions that have been filled by detailees over the last several years.

The Office of Information Policy (OIP) was established as an independent office in 1993. It manages certain departmental responsibilities related to FOIA. These responsibilities include coordinating and implementing policy development and compliance government-wide for the FOIA, and Department-wide for the Privacy Act. OIP makes decisions on all appeals from denials by any Department component of access to information under these two Acts. Additionally, OIP promotes effective FOIA operations across government by issuing guidance and providing training to agency FOIA officers. In FY 2014, this formerly fully reimbursable office will be converted to appropriated via adjustment to base transfers from the contributing components.

The Professional Responsibility Advisory Office (PRAO) is dedicated to resolving professional responsibility issues faced by Department attorneys and Assistant U.S. Attorneys. PRAO provides prompt, consistent advice to Department leadership, government attorneys and Assistant U.S. Attorneys with respect to areas of professional responsibility and choice-of-law issues. It assembles and maintains the codes of ethics, including all relevant interpretative decisions and bar opinions of every state, territory and the District of Columbia as well as other

reference materials, and serves as a central repository for briefs and pleadings as cases arise. It provides coordination with the litigating components of the Department to defend attorneys in any disciplinary or other hearings that allege they failed to meet their ethical obligations and serves as liaison with the state and federal bar associations in matters related to the implementation and interpretation of the Ethical Standards for Prosecutors Act and any amendments and revisions to the various state ethics codes. PRAO is headed by a director who is a career government executive. In FY 2014, this formerly fully reimbursable office will be converted to appropriated via adjustment to base transfers from the contributing components.

D. Justice Management Division

<i>Justice Management Division</i>	Direct Pos.	Estimate FTE	Amount
2012 Enacted	382	341	\$71,308
2012 Continuing Resolution	382	330	71,308
2013 Continuing Resolution 0.612% Increase			442
Base and Technical Adjustments		-7	1,026
2014 Current Services	382	323	72,776
2014 Program Increases			
2014 Program Offsets			-14
2014 Request	382	323	72,762
Total Change 2012-2014		-18	1,454

<i>Justice Management Division – Information Technology Breakout (of Decision Unit Total)</i>	Direct Pos.	Estimate FTE	Amount
2012 Enacted			1,392
2013 Continuing Resolution			1,286
2013 Continuing Resolution 0.612% Increase			1,286
Base and Technical Adjustments			
2014 Current Services			1,286
2014 Program Increases			
2014 Program Offsets			-14
2014 Request			1,272
Total Change 2012-2014			-120

1. Program Description

The Justice Management Division (JMD), under the direction of the Assistant Attorney General for Administration, provides advice and assistance to senior management officials relating to basic Department policy for budget and financial management, personnel management and training, facilities, procurement, equal employment opportunity, information processing, records management, security, and all other matters pertaining to organization, management and administration. JMD provides direct administrative support services such as personnel, accounting, procurement, library, budget, facilities and property management to offices, boards and divisions of the Department and operates several central services, such as automated data processing and payroll, on a reimbursable basis through the Working Capital Fund. The

Division collects, organizes, and disseminates records information that is necessary for the Department to carry out its statutory mandate and provides general research and reference assistance regarding information to Department staff, other government attorneys, and members of the public.

The major functions of JMD are to:

- Review and oversee management functions, programs, operating procedures, supporting systems and management practices.
- Supervise, direct, and review the preparation, justification, and execution of the Department's budget, including the coordination and control of the programming and reprogramming of funds.
- Review, analyze, and coordinate the Department's programs and activities to ensure that the Department's use of resources and estimates of future requirements are consistent with the policies, plans, and mission priorities of the Attorney General.
- Plan, direct, and coordinate department-wide personnel management programs and develop and issue department-wide policy in all personnel program areas.
- Direct department-wide financial management policies, internal controls, programs, procedures, and systems including financial accounting, planning, analysis, and reporting.
- Formulate and administer the General Administration appropriation of the Department's budget.
- Plan, direct, administer, and monitor compliance with department-wide policies, procedures, and regulations concerning records, reports, procurement, printing, graphics, audiovisual activities, forms management, supply management, motor vehicles, real and personal property, space assignment and utilization, employee health and safety programs, and other administrative services functions.
- Direct all Department security programs including personnel, physical, document, information processing, telecommunications, and special intelligence and formulate and implement Department defense mobilization and contingency planning.
- Review legislation for potential impact on the Department's resources.
- Establish policy and procedures related to debt collection and asset forfeiture.
- Develop, direct, coordinate, and monitor compliance with department wide policies and programs for implementing an effective and viable equal employment opportunity program that includes affirmative employment initiatives and procedures for the timely and equitable processing of discrimination complaints.
- Direct the Department's ethics program by administering the ethics laws and regulations and coordinating the work of the deputy ethics officials throughout the Department. This includes issuing advice, providing ethics briefings, and reviewing financial disclosure reports.

PERFORMANCE AND RESOURCES TABLE										
Decision Unit: Justice Management Division										
DOJ Strategic Goal/Objective: Goal 2/Objective 2.6 Protect the federal fisc and defend the interests of the United States.										
WORKLOAD/ RESOURCES		Target		Actual		Projected		Changes		Requested (Total)
		FY 2012		FY 2012		FY 2013		Current Services Adjustments and FY 2014 Program Changes		FY 2014 Request
Total Costs and FTE [reimb]	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
	403	78,540 [10,487]	361	69,590 [4,482]	350	71,308 [4,345]	0	0	343	72,762 [4,345]
TYPE/ STRATEGIC OBJECTIVE	FY 2012		FY 2012		FY 2013		Current Services Adjustments and FY 2014 Program Changes		FY 2014 Request	
	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Program Activity: Human Capital	53	12,241	51	10,613	54	10,723	0	0	54	10,723
Number of Personnel Actions	287,080		263,678		282,625		0		282,625	
Number of Whistleblower Case Issuances	20		63		40		0		40	
Ensure there are sufficient replacement workers for separations (ratio)	0.69		1.08		0.50				0.50	
Budget and Performance Integration	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
	46	7,109	47	7,137	52	7,407	0	0	52	7,407
Monitor Budget & Performance Goals Quarterly for all Accounts	100%		100%		100%		0		100%	
Secure and Consolidated Facilities	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
	108	21,528	106	18,050	108	18,426	0	0	115	18,426
Number of Security Compliance Reviews/Follow Ups Completed	36		42		35		0		35	
Number of Employee/Contractor Adjudications Completed	10,050		10,471		10,050		0		10,050	

Data Definition, Validation, Verification, and Limitations: Use this section to discuss data terms, data sources, how the information is collected, how the information is verified, and data limitations to include how well the indicator measures performance.

Data Definition, Validation, Verification, and Limitations: Use this section to discuss data terms, data sources, how the information is collected, how the information is verified, and data limitations to include how well the indicator measures performance.

PERFORMANCE MEASURE TABLE												
Decision Unit: JMD												
Performance Report and Performance Plan Targets		FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013		FY 2014		
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target		
Performance Measure	Number of Personnel Actions	390,608	317,313	280,725	370,090	287,080	263,678	282,625	0	282,625		
Performance Measure	Number of Whistleblower Case Issuances	60	109	35	40	20	63	40	0	40		
Performance Measure	Monitor Budget & Performance Goals Quarterly for all Accounts			100%	100%	100%	100%	100%	0%	100%		
Performance Measure	Number of Security Compliance Reviews/Follow-ups Completed	55	53	51	43	36	42	35	0	35		
OUTCOME Measure												

Performance, Resources, and Strategies

The mission of JMD is “Serving Justice by Securing Results with Strategic Counsel.” JMD’s performance measures are centered on our mission and organized in the following performance areas:

- Human Capital - to recruit, hire, train, appraise, reward, and retain a highly qualified and diverse workforce to achieve DOJ’s mission objectives.
- Budget and Performance - to manage DOJ resources using integrated budget and performance criteria.
- Secure and Consolidated Facilities - to maximize space utilization and ensure safe and secure facilities.

V. Program Increases by Item

Item Name: Tribal Justice
Budget Decision Unit(s): Intergovernmental Relations/External Affairs
Strategic Goal/Objective: Strategic Goal 3/Objective 3.1
Organizational Program: Office of Tribal Justice

Component Ranking of Item: 1

Program Increase: Positions 3 Atty 3 FTE 3 Dollars \$530,000

Description of Item

Funding and staffing is requested to support the DOJ's Office of Tribal Justice (OTJ).

Justification

OTJ was established in 1985 in response to the overwhelming demand by Indian tribes for better coordination within the Department and among other federal agencies on law enforcement and public safety issues. OTJ has been funded through reimbursements from other Department components. Because of its successes, the Department recognizes the need to institutionalize OTJ within the Intergovernmental Relations/External Affairs Decision Unit. Therefore, the Department is requesting that \$1,238,235 and five positions/FTE be transferred from the following appropriations to the General Administration appropriation to fund OTJ: \$489,144 and two positions/FTE from the Executive Office for U.S. Attorneys appropriation, \$597,083 and two positions/FTE from General Legal Activities (\$336,425 and one pos/FTE from the Criminal Division and \$260,658 and 1 pos/FTE from the Civil Rights Division), and \$152,008 from the Justice Management Division within the General Administration appropriation.

In addition to the transfer of resources, OTJ is also in need of additional staffing to manage the increasing responsibilities of the Indian Country initiative. The additional staffing requested includes three attorneys to work on legal issues. OTJ is also anticipated to need \$30,000 for travel, which is included as non-personnel funding.

This increase in staffing is in recognition of the real duties of the OTJ. There are over 54 million acres of Indian country, the majority of which is under federal jurisdiction. Hundreds of federal cases, in addition to other conflicts needing resolution are generated in this area each year. OTJ is responsible for serving as the primary point of contact between the 566 federally recognized tribes and the Department in these matters. OTJ coordinates these complex matters, the underlying policy, and emerging legislation between more than a dozen DOJ components active in Indian country. OTJ also serves as the lead component in managing the Department's complex government-to-government relationship with tribes. This relationship and OTJ's responsibilities are delineated in Executive Order 13175, the Attorney General's memorandum reorganizing the OTJ, 28 C.F.R. 0.134, establishing OTJ as a distinct component of the Department, and in provisions of the Tribal Law and Order Act of 2010. External coordination with the Departments of the Interior, Health and Human Services, and Homeland Security, and other federal agencies, as well as the Congress is another of OTJ's duties. OTJ also provides

legal expertise in Federal Indian Law to the Department in those matters that progress to the Appellate level, or issues being considered for legislation. To ensure that the Department's Indian country responsibilities are met, the increase in OTJ staff is necessary.

Impact on Performance (Relationship of Increase to Strategic Goals and Priority Goals)

The request supports Objective 3.1 "Promote and strengthen relationships and strategies for the administration of justice with State, local, Tribal, and international law enforcement," which is included in Strategic Goal 3.

Funding

Base Funding

FY 2012 Enacted				FY 2013 CR				FY 2014 Current Services			
Pos	atty	FTE	\$(000)	Pos	atty	FTE	\$(000)	Pos	atty	FTE	\$(000)
0	0	0	0	0	0	0	0	4	4	4	1,238

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2014 Request (\$000)	FY 2015 Net Annualization (change from 2014) (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)
Attorney Advisor – GS 13	167	3	500	0	0
Total Personnel		3	500	0	0

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2013 Request (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)	FY 2016 Net Annualization (Change from 2015) (\$000)
Travel Expenses	30	1	30	0	0
Total Non-Personnel			30	0	0

Total Request for this Item

	Pos	Agt/Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)	FY 2016 Net Annualization (Change from 2015) (\$000)
Current Services	5	4	5	1,238	0	1,238	0	0
Increases	3	3	3	500	30	530	0	0
Grand Total	8	7	8	1,738	30	2,238	0	0

VI. Program Offsets by Item**Item Name:** Administrative EfficienciesBudget Decision Unit(s): Executive Support/Professional ResponsibilityStrategic Goal/Objective: Strategic Goal 4/EnablingOrganizational Program: Non-personnelComponent Ranking of Item: 2Program Offset: Positions 0 Atty 0 FTE 0 Dollars -\$200,000Description of Item

Administrative efficiencies.

Summary Justification

The Department is continually evaluating its programs and operations with the goal of achieving across-the-board economies of scale that result in increased efficiencies and cost savings. In FY 2014, the Department is focusing on areas in which savings can be achieved, which includes: printing, publications, travel, conferences, supplies, and general equipment. For GA, these administrative efficiencies will result in an offset of \$200,000.

Impact on Performance (Relationship of Decrease to Strategic Goals and Priority Goals)

No known effect on the Priority Goals.

FundingBase Funding

FY 2012 Enacted				FY 2013 CR				FY 2014 Current Services			
Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)
382	0	341	71,308	382	0	330	71,308	382	0	323	72,776

Non-Personnel Reduction Cost Summary

Non-Personnel Item	Unit	Quantity	FY 2014 Request (\$000)	FY 2015 Net Annualization (change from 2014) (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)
Total Non-Personnel	0	0	-200	0	0

Total Request for this Item

	Pos	Agt/Atty	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total (\$000)	FY 2015 Net Annualization (change from 2014) (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)
Current Services	382	0	323	48,759	24,017	72,776	0	0
Decreases	0	0	0		-200	-200	0	0
Grand Total	382	0	323	48,759	24,017	72,576	0	0

Item Name: IT Savings
Budget Decision Unit(s): Justice Management Division
Strategic Goal/Objective: Strategic Goal 4/Enabling
Organizational Program: Justice Management Division

Component Ranking of Item: 3

Program Offset: Positions 0 Atty 0 FTE 0 Dollars -\$14,000

Description of Item
 Information technology savings.

Summary Justification

As part of its effort to increase IT management efficiency and comply with OMB's direction to reform IT management activities, the Department is implementing a cost saving initiative as well as IT transformation projects. To support cost savings, the Department is developing an infrastructure to enable DOJ components to better collaborate on IT contracting; which should result in lower IT expenditures. In FY 2014 the Department anticipates realizing savings on all direct non-personnel IT spending through IT contracting collaboration. These savings will support greater management efficiency within GA. The offset to support these initiatives for GA is \$14,000.

Impact on Performance (Relationship of Decrease to Strategic Goals and Priority Goals)
 No known effect on the Priority Goals.

Funding

Base Funding

FY 2012 Enacted				FY 2013 CR				FY 2014 Current Services			
Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)
0	0	0	1,392		0		1,286	0	0	0	1,286

Non-Personnel Reduction Cost Summary

Non-Personnel Item	Unit	Quantity	FY 2013 Request (\$000)	FY 2014 Net Annualization (change from 2013) (\$000)	FY 2015 Net Annualization (change from 2014) (\$000)
IT Savings			-14	0	0
Total Non-Personnel			-14	0	0

Total Request for this Item

	Pos	Agt/Atty	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total (\$000)	FY 2014 Net Annualization (change from 2013) (\$000)	FY 2015 Net Annualization (change from 2014) (\$000)
Current Services	0	0	0	0	1,286	1,286	0	0
Decreases					-14	-14	0	0
Grand Total	0	0		0	1,272	1,272	0	0

B. Summary of Requirements

Summary of Requirements

General Administration
Salaries and Expenses
(Dollars in Thousands)

	2012 Enacted	Direct Pos.	FY 2014 Request Estimate FTE	Amount
2013 Continuing Resolution		557	500	110,822
2013 CR 0.612% Increase		557	486	110,822
Total 2013 Continuing Resolution (with Balance Reversion and Supplemental)		557	486	111,600
Technical Adjustments				
Supplemental Adjustment - Sandy Hurricane Relief		0	0	0
Adjustment - 2013 CR 0.612%		0	0	-678
Total Technical Adjustments				-678
Base Adjustments				
Transfers:				
Office of Information Policy from Components		43	43	6,968
Professional Responsibility Advisory Office from Components		18	18	3,675
Office of Tribal Justice from Components		4	4	1,085
Office of Legal Policy from Components		3	3	765
Office of Professional Responsibility from Executive Office for U.S. Attorneys		3	3	618
JCON and JCON SITS from JUST		0	0	433
Pay and Benefits		0	-24	820
Domestic Rent and Facilities		0	0	616
Other Adjustments		0	0	39
Total Base Adjustments		71	47	15,070
Total Technical and Base Adjustments		71	47	14,392
2014 Current Services				
Program Changes				
Increases:		628	533	122,882
Office of Tribal Justice		3	3	530
Subtotal, Increases		3	3	530
Offsets:				
Administrative Efficiencies		0	0	-200
IT Savings		0	0	-14
Subtotal, Offsets		0	0	-214
Total Program Changes		3	3	316
2014 Total Request		631	536	123,198
2012 - 2014 Total Change		74	-36	13,386

Note: The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

B. Summary of Requirements

Summary of Requirements
General Administrative
Salaries and Expenses
(Dollars in Thousands)

Program Activity	2012 Appropriation Enacted			2013 Continuing Resolution *			2014 Technical and Base Adjustments			2014 Current Services		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Department Leadership	71	64	18,401	71	64	18,508				71	64	18,687
Intergov Relations/External Affairs	46	42	8,142	46	41	8,188	4	0	178	50	42	9,298
Exec Support/Prof Resp	58	53	12,971	58	51	13,052	67	53	12,081	125	104	25,133
Justice Management Division	382	341	71,308	382	330	71,750	0	-7	1,026	382	323	72,778
Total Direct	557	500	110,822	557	485	111,500	71	47	14,392	628	533	125,892
Balance Rescission			0			0			0			0
Total Direct with Rescission			110,822			111,500			14,392			125,892
Reimbursable FTE		77			73			-44			29	
Total Direct and Reimb. FTE		577			559			3			562	
Other FTE:												
LEAP		0			0			0			0	
Overtime		0			0			0			0	
Grand Total, FTE		577			559			3			562	

Program Activity	2014 Increases			2014 Offsets			2014 Request		
	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Department Leadership	0	0	0	0	0	0	71	64	18,687
Intergov Relations/External Affairs	3	3	530	0	0	0	53	45	9,628
Exec Support/Prof Resp	0	0	0	0	0	-200	125	104	24,933
Justice Management Division	0	0	0	0	0	-14	382	323	72,762
Total Direct	3	3	530	0	0	-214	631	536	126,208
Balance Rescission			0			0			0
Total Direct with Rescission			530			-214			126,208
Reimbursable FTE		3			0			29	
Total Direct and Reimb. FTE		3			0			565	
Other FTE:									
LEAP		0			0			0	
Overtime		0			0			0	
Grand Total, FTE		3			0			565	

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101(c)).

FY 2014 Program Increases/Offsets by Decision Unit

General Administration
Salaries and Expenses
(Dollars in Thousands)

Program Increases	Location of Description by Program Activity	Intergov Relations/External Affairs					Total Increases				
		Direct Pos.	Agl./Atty.	Est. FTE	Amount		Direct Pos.	Agl./Atty.	Est. FTE	Amount	
Office of Trial Justice	RTJA	3	3	3	530		3	3	3	530	
Total Program Increases		3	3	3	530		3	3	3	530	

Program Offsets	Location of Description by Program Activity	Exec Support/Prof Responsibility					Justice Management Division					Total Offsets				
		Direct Pos.	Agl./Atty.	Est. FTE	Amount		Direct Pos.	Agl./Atty.	Est. FTE	Amount		Direct Pos.	Agl./Atty.	Est. FTE	Amount	
Administrative Efficiencies		0	0	0	-200		0	0	0	0		0	0	0	0	-200
IT Savings		0	0	0	0		0	0	0	-14		0	0	0	0	-14
Total Program Offsets		0	0	0	-200		0	0	0	-14		0	0	0	0	-214

D. Resources by DOJ Strategic Goal and Strategic Objective

Resources by Department of Justice Strategic Goal/Objective

General Administration
Salaries and Expenses
(Colliers in thousands)

Strategic Goal and Strategic Objective	2012 Appropriation Enacted			2013 Continuing Resolution *			2014 Current Services			2014 Increases			2014 Offsets			2014 Total Request		
	Direct/ Reimb FTE	Direct Amount		Direct/ Reimb FTE	Direct Amount		Direct/ Reimb FTE	Direct Amount		Direct/ Reimb FTE	Direct Amount		Direct/ Reimb FTE	Direct Amount		Direct/ Reimb FTE	Direct Amount	
Goal 2 Prevent Crime, Protect the Rights of the American People, and enforce Federal Law 2.6 Protect the federal fisc and defend the interests of the United States.	577	110,822		599	111,500		558	124,806		0	0		0	0		558	124,806	
Subtotal, Goal 2	577	110,822		599	111,500		558	124,806		0	0		0	0		558	124,806	
Goal 3 Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal and International Levels. 3.1 Promote and Strengthen relationship and strategies for the administration of justice with state, local, tribal and international law enforcement.	0	0		0	0		4	1,086		3	530		0	0		7	1,516	
Subtotal, Goal 3	0	0		0	0		4	1,086		3	530		0	0		7	1,516	
TOTAL	577	110,822		599	111,500		562	125,892		3	530		0	-214		565	126,298	

Note: Excludes Balance Rescission and/or Supplemental Appropriations.

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-75, Section 101 (b)).

Justifications for Technical and Base Adjustments

General Administration
Salaries and Expenses
(Dollars in Thousands)

Technical Adjustments	Direct Pos.	Estimate FTE	Amount
1 ADJUSTMENT - 2013 CIR 0.612%: PL 112-175 section 101 (c) provided 0.612% across the board increase above the current rate for the 2013 CIR funding level. This adjustment reverses this increase.	0	3	-678
Transfers			
1 Office of Information Policy: The Department is requesting components for the establishment of the Office of Information Policy (OIP) as an appropriated account within the General Administration Appropriation.	0	0	-478
2 Professional Responsibility Advisory Office: Transfers from various contracting components for the establishment of the Professional Responsibility Advisory Office (PRAO) as an appropriated account within the General Administration Appropriation.	43	43	6,988
3 Office of Tribal Justice: The Department is requesting that \$1,238,235 and four positions/FTE be transferred from the following appropriations to the General Administration appropriation to fund OTJ: \$489,144 and two positions/FTE from the Executive Office for U.S. Attorneys appropriation, \$397,083 and two positions/FTE from General Legal Activities (\$336,425 and one position/FTE from the Criminal Division and \$260,658 and 1 position/FTE from the Civil Rights Division), and \$152,008 from the Justice Management Division within the General Administration appropriation.	18	18	3,875
4 Office of Legal Policy: Transfers from the Office of Legal Policy to the Office of Legal Policy within the General Administration Appropriation in order to achieve efficiencies which will allow the Department to effectively manage the increasing demand for Alternative Dispute Resolution.	1	4	1,086
5 Office of Professional Responsibility: Transfer of 3 positions from the Executive Office of United States Attorneys to the Office of Professional Responsibility within the General Administration Appropriation to permanently fund positions that have been filled by detailees over the last several years.	3	3	785
6 ICJON and ICJON-SITS: A transfer of \$433,000 is included in support of the Department's Justice Consolidated Office Network (JCJON) and ICJON SITS programs which will be moved to the Working Capital Fund and provided as a billable service in FY 2013.	3	3	618
Pay and Benefits			
1 2013 Pay Raise: This request provides for a proposed 1 percent pay raise to be effective in January of 2014. The amount request, \$512,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$573,760 for pay and \$138,240 for benefits.)	0	0	453
2 Accumulation of 2013 Pay Raise: This pay request represents first quarter amounts (October through December) of the 2013 pay increase of 0.6% included in the 2013 President's Budget. The total amount requested is \$1,071,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$783,110 for pay and \$288,890 for benefits).	0	0	13,525
5 Employee Compensation Fund: The \$22,000 request reflects anticipated changes in payments to the Department of Labor for injury benefits under the Federal Employee Compensation Act.	0	0	512
6 Health Insurance: Effective January 2014, the component's contribution to Federal employees' health insurance increases by 3.0 percent. Applied against the 2013 estimate of \$3,375,000, the additional amount required is \$106,000.	0	0	107
			23
			106

Justifications for Technical and Base Adjustments

General Administration
Salaries and Expenses
(Dollars in Thousands)

	Direct Pos.	Estimate FTE	Amount
7 Repayment: Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 1.3 percent per year. The requested increase of \$72,000 is necessary to meet our increased retirement obligations as a result of this conversion.			72
8 Pension/FTE Adjustment: An FTE adjustment is necessary to align with the revised FTE FY 2014 estimates.			820
Domestic Rent and Facilities General Services Administration (GSA) Rent: GSA will continue to charge rental rates that approximate those charged to commercial (rentals for equivalent space and related services). The requested increase of \$791,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the request for proposal process and are based on the most competitive offer received. As of January 1, 2014, the current building lease agreement expires. The new lease agreement will be effective January 1, 2014. In the interim, the current lease agreement will be used until it is replaced by a new one. The requested increase of \$791,000 is necessary to cover the cost of the new lease agreement. GSA provides data on the rate increase. Justice Prisoners Service Charge: This includes Department of Homeland Security (DHS) Federal Protective Service charges, Justice Prisoners Service charges and other security services across the country. The requested decrease of -\$201,000 is based on estimates for these commitments. Moves (Lease Expatriation): GSA requires all agencies to pay relocation costs associated with lease expatriations. This request provides for the costs associated with new office relocations caused by the expiration of leases in FY 2014.	-26 -26		
Other Adjustments 1 WCE Risk Adjustment: The Department's Working Capital Fund (WCF) provides Department components with centralized administrative and infrastructure support services. The WCF is a cost effective mechanism that eliminates duplication of effort and promotes economies of scale through shared resources. The requested increase of \$39,000 is necessary to fund the cost of the WCF. The requested increase is based on the technology, maintenance and technology refreshment upgrade funding of \$39,000 required for the account.	0	0	39
2	0	0	39
TOTAL DIRECT TECHNICAL AND BASE ADJUSTMENTS	0	0	14,302
A1B Reimbursable FTE Charges B1B Reimbursable FTE Adjustment:	0	44	

Crosswalk of 2012 Availability
General Administration
Salaries and Expenses
(Dollars in Thousands)

Program Activity	2012 Appropriation Enacted w/o Balance Recission			Balance Recission			Reprogramming/Transfers			Carryover		Recoveries/Refunds		2012 Actual	
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Amount	Amount	Direct Pos.	Actual FTE	Amount	Amount
Department Leadership	71	64	18,401	0	0	0	0	0	0	0	0	0	71	64	18,401
Intergov Relations/External Affairs	48	42	12,142	0	0	0	0	0	0	0	0	0	48	42	12,142
Exec Support/Professional Resp	50	50	15,076	0	0	0	0	0	0	0	0	0	50	50	15,076
Justice Management Division	341	341	71,308	0	0	0	0	0	0	0	0	0	341	341	71,308
GA-X	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Direct	657	500	110,822	0	0	0	0	0	1,150	601	601	48	500	112,519	112,519
Reimbursable FTE		77			0			0					77		
Total Direct and Reimb. FTE		577			0			0					577		
Other FTE:															
LEAP		0			0			0					0		
Overtime		0			0			0					0		
Grand Total FTE		577			0			0					577		

Reprogramming/Transfers
Transfer of \$650,000 from the Office of Dispute Resolution (General Legal Activities) to the General Administration pursuant to the reprogramming which was approved in the FY 2012 Spending Plan
Transfer of \$500,000 from balances to GA-X account.

Carryover:
Carryover funding of \$501,000 in the GA-X account.

Recoveries/Refunds:
Recovery of \$48,000 in the GA-X account.

Crosswalk of 2013 Availability
 General Administration
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	2013 Continuing Resolution*			2013 Supplemental Appropriation		2013 Reprogramming/Transfers			2013 Carryover		2013 Recoveries/Refunds		2013 Availability		
	Direct Pos.	Estim. FTE	Amount	Amount		Direct Pos.	Estim. FTE	Amount	Amount		Amount		Direct Pos.	Estim. FTE	Amount
Department Leadership	71	57	18,509	0	0	0	0	0	0	0	0	0	71	57	18,509
Intergov Relations/External Affairs	46	42	8,189	0	0	0	0	0	0	0	0	0	46	42	8,189
Exec Support/Professional Resp	58	54	13,052	0	0	0	0	350	0	0	0	0	58	54	13,052
Justice Management Division	382	333	71,750	0	0	0	0	0	0	0	0	0	382	333	71,750
GA-X	0	0	0	0	0	0	0	0	0	472	0	0	26	0	498
Total Direct	657	486	111,500	0	0	0	0	350	472	472	26	0	557	486	112,348
Balance Rescission			0												0
Total Direct with Rescission			111,500												112,348
Reimbursable FTE		73					0		0	472				73	
Total Direct and Reimb. FTE		559					0							559	
Other FTE:															
LEAP		0					0		0	0				0	
Overtime		0							0	0				0	
Grand Total, FTE		559					0		472	472				559	

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101(e)).

Reprogramming/Transfers

Transfer of \$350,000 (through the CR period, March 27, 2013) from the Office of Dispute Resolution (General Legal Activities) to the General Administration pursuant to the reprogramming which was approved in the FY 2012 Spending Plan.

Carryover:

Carryover funding of \$472,000 in the GA-X account.

Recoveries/Refunds:

Recoveries of \$26,000 in the GA-X account.

Summary of Reimbursable Resources
General Administration
Salaries and Expenses
(Dollars in Thousands)

Collections by Source	2012 Actual			2013 Planned			2014 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
Alcohol, Tobacco, Firearms & Explosives	0	0	605	0	0	605	0	0	436	0	0	-169
Antitrust	0	0	445	0	0	445	0	0	320	0	0	-125
Asset Forfeiture Fund	0	0	2	0	0	2	0	0	1	0	0	-1
Bureau of Prisons	0	0	2,638	0	0	2,638	0	0	1,899	0	0	-739
Community Oriented Policing Services	0	0	17	0	0	17	0	0	12	0	0	-5
Department of Health and Human Services	0	0	209	0	0	209	0	0	150	0	0	-59
Department of Interior	0	0	26	0	0	26	0	0	19	0	0	-7
Department of State	0	0	11	0	0	11	0	0	8	0	0	-3
Drug Enforcement Administration	0	0	791	0	0	791	0	0	570	0	0	-221
Executive Office for Immigration Review	0	0	672	0	0	672	0	0	484	0	0	-188
Executive Office of the President	0	0	113	0	0	113	0	0	81	0	0	-32
Federal Bureau of Investigation	0	0	4,935	0	0	4,935	0	0	3,553	0	0	-1,382
Foreign Claims Settlement Commission	0	0	2	0	0	2	0	0	1	0	0	-1
General Legal Activities	0	0	2,912	0	0	2,912	0	0	2,097	0	0	-815
National Drug Intelligence Center	0	0	8	0	0	8	0	0	6	0	0	-2
National Security Division	0	0	710	0	0	710	0	0	511	0	0	-199
Office of the Inspector General	0	0	134	0	0	134	0	0	96	0	0	-38
Office of Justice Programs	0	0	91	0	0	91	0	0	66	0	0	-25
Office of the Pardon Attorney	0	0	59	0	0	59	0	0	42	0	0	-17
Office on Violence Against Women	0	0	176	0	0	176	0	0	127	0	0	-49
Organized Crime & Drug Enforcement TF	0	0	2	0	0	2	0	0	1	0	0	-1
U.S. Attorneys	0	0	4,438	0	0	4,438	0	0	3,195	0	0	-1,243
U.S. Marshals Service	0	0	418	0	0	418	0	0	301	0	0	-117
U.S. Parole Commission	0	0	4	0	0	4	0	0	3	0	0	-1
U.S. Trustees	0	0	233	0	0	233	0	0	168	0	0	-65
Other	0	0	227	0	0	227	0	0	163	0	0	-64
Budgetary Resources	0	0	19,878	0	0	19,878	0	0	14,312	0	0	-5,566

Obligations by Program Activity	2012 Actual			2013 Planned			2014 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
Department Leadership	0	5	757	0	5	757	0	5	1,009	0	0	252
Intergov Relations/External Affairs	0	0	711	0	0	711	0	0	954	0	0	243
Exec Support/Professional Resp	0	54	9,453	0	54	9,453	0	19	413	0	-35	-9,040
Justice Management Division	0	18	8,957	0	14	8,957	0	5	11,956	0	-9	2,919
Budgetary Resources	0	77	19,878	0	73	19,878	0	29	14,312	0	-44	-5,566

I. Detail of Permanent Positions by Category

Detail of Permanent Positions by Category

General Administration
Salaries and Expenses
(Dollars in Thousands)

Category	2012 Appropriation Enacted with Balance Rescissions			2013 Continuing Resolution			2014 Request				
	Direct Pos.	Reimb. Pos.		Direct Pos.	Reimb. Pos.	ATBs	Program Increases	Program Offsets	Total Direct Pos.	Total Reimb. Pos.	
Miscellaneous Operations (010-099)	7	6		7	6	1	0	0	8	1	
Security Specialists (080)	40	0		40	0	0	0	0	40	0	
Intelligence Series (132)	0	0		0	0	0	0	0	0	0	
Personnel Management (200-299)	29	1		29	1	0	0	0	29	0	
Clerical and Office Services (300-399)	208	21		208	21	22	0	0	230	3	
Accounting and Budget (500-599)	47	1		47	1	1	0	0	48	0	
Attorneys (905)	135	30		135	30	39	3	0	177	3	
Paralegals / Other Law (900-999)	12	20		12	20	8	0	0	20	2	
Information & Arts (1000-1099)	12	5		12	5	0	0	0	12	1	
Business & Industry (1100-1199)	26	0		26	0	0	0	0	26	1	
Library (1400-1499)	34	5		34	5	0	0	0	34	1	
Equipment/Facilities Services (1600-1699)	1	1		1	1	0	0	0	1	1	
Miscellaneous Inspectors Series (1802)	0	0		0	0	0	0	0	0	0	
Criminal Investigative Series (1811)	0	0		0	0	0	0	0	0	0	
Supply Services (2000-2099)	2	0		2	0	0	0	0	2	0	
Information Technology Mgmt. (2210)	4	4		4	4	0	0	0	4	4	
Motor Vehicle Operations (5703)	0	0		0	0	0	0	0	0	0	
Total	557	90		557	90	71	3	0	631	12	
Headquarters (Washington, D.C.)	552	90		553	90	71	3	0	627	12	
U.S. Field	0	0		0	0	0	0	0	0	0	
Foreign Field	5	0		4	0	0	0	0	4	0	
Total	557	90		557	90	71	3	0	631	12	

General Administration
Salaries and Expenses
(Dollars in Thousands)

Grades	Intergovernmental Relationships		Executive Support/Professional Responsibility	
	Offices of Tribal Affairs		Administrative Effectiveness	
	Direct Pos.	Amount	Direct Pos.	Amount
SES	0	0	0	0
GS-16	3	468	0	0
GS-15	0	0	0	0
GS-13	0	0	0	0
GS-12	0	0	0	0
GS-11	0	0	0	0
GS-10	0	0	0	0
GS-9	0	0	0	0
GS-8	0	0	0	0
GS-7	0	0	0	0
GS-6	0	0	0	0
GS-4	0	0	0	0
GS-3	0	0	0	0
Total Positions and Annual Amount/Lapses (-)	3	468	0	0
11.5 Other Personnel Compensation	0	0	0	0
Total FTEE and Part-time Compensation	3	468	0	0
21.0 Travel and Transportation of Persons	0	0	0	0
22.0 Transportation of Things	0	0	0	-50
23.1 Rental Payments to GSA	0	0	0	-10
23.2 Communications, Utilities, and Miscellaneous Charges	0	0	0	0
24.1 Community Development and Miscellaneous Charges	0	0	0	-15
24.2 Protection	0	0	0	-10
25.1 Advisory and Assistance Services	0	0	0	-10
25.2 Other Services from Non-Federal Sources	0	0	0	-10
25.3 Other Goods and Services from Federal Sources	0	0	0	-10
25.4 Rental and Maintenance of Equipment	0	0	0	-10
25.7 Operation and Maintenance of Equipment	0	0	0	-10
26.0 Supplies and Materials	0	0	0	0
31.0 Equipment	0	0	0	0
Total Program Change Requests	3	530	0	-205

J. Financial Analysis of Program Changes

General Administration
Salaries and Expenses
(Column in Thousands)

Grades	Justice Management Division					Total Program Changes		
	IT Savings		Program Offsets					
	Direct Pos	Amount	Direct Pos	Amount	Program Offsets Amount	Direct Pos	Amount	
SES	0	0	0	0	0	0	0	0
GS-15	0	0	0	0	0	0	0	498
GS-14	0	0	0	0	0	0	0	0
GS-13	0	0	0	0	0	0	0	0
GS-12	0	0	0	0	0	0	0	0
GS-11	0	0	0	0	0	0	0	0
GS-10	0	0	0	0	0	0	0	0
GS-9	0	0	0	0	0	0	0	0
GS-8	0	0	0	0	0	0	0	0
GS-7	0	0	0	0	0	0	0	0
GS-6	0	0	0	0	0	0	0	0
GS-5	0	0	0	0	0	0	0	0
Total Positions and Annual Amount	0	0	0	0	0	0	0	498
11.5 Other Personnel Compensation	0	0	0	0	0	0	0	0
Total FTEs and Personnel Compensation	0	0	0	0	0	0	0	498
13.0 Benefits for former personnel	0	0	0	0	0	0	0	0
21.0 Travel and Transportation of Persons	0	0	0	0	0	0	0	-20
22.0 Information Systems	0	0	0	0	0	0	0	-15
23.1 Rental Expenses in GSA	0	0	0	0	0	0	0	-1
23.3 Communications, Utilities, and Miscellaneous Charges	0	0	0	0	0	0	0	-10
24.0 Printing and Reproduction	0	0	0	0	0	0	0	-10
25.0 Printing and Assistance Services	0	0	0	0	0	0	0	-10
25.2 Other Goods and Services from Federal Sources	0	0	0	0	0	0	0	-15
25.3 Other Goods and Services from Federal Sources	0	0	0	0	0	0	0	-15
25.5 Research and Development Contracts	0	0	0	0	0	0	0	0
25.7 Operation and Maintenance of Equipment	0	0	0	0	0	0	0	0
25.8 Operation and Maintenance of Equipment	0	0	0	0	0	0	0	0
31.0 Equipment	0	0	0	0	0	0	0	0
Total Program Change Requests	0	0	-14	0	0	0	0	319

Summary of Requirements by Grade

General Administration
Salaries and Expenses
(Dollars in Thousands)

Grades and Salary Ranges	2012 Enacted		2013 Continuing Resolution		2014 Request		Increase/Decrease	
	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount
EX \$ 145,700 - 199,700	3		3	0	3	0	0	0
SES/SL \$ 119,554 - 179,700	46		46	0	46	0	0	0
GS-15 \$ 123,758 - 155,500	127		127	0	153	0	26	0
GS-14 \$ 105,211 - 136,771	87		87	0	101	0	14	0
GS-13 \$ 89,033 - 115,742	105		105	0	120	0	15	0
GS-12 \$ 74,872 - 97,333	57		57	0	60	0	3	0
GS-11 \$ 62,467 - 81,204	34		34	0	39	0	5	0
GS-10 \$ 56,857 - 73,917	7		7	0	8	0	1	0
GS-9 \$ 51,630 - 67,114	30		30	0	31	0	1	0
GS-8 \$ 46,745 - 60,765	34		34	0	35	0	1	0
GS-7 \$ 42,209 - 54,875	20		20	0	25	0	5	0
GS-6 \$ 37,983 - 49,375	2		2	0	4	0	2	0
GS-5 \$ 37,075 - 44,293	4		4	0	5	0	1	0
GS-4 \$ 30,456 - 39,590	0		0	0	0	0	0	0
GS-3 \$ 27,130 - 35,269	1		1	0	1	0	0	0
GS-2 \$ 24,865 - 31,292	0		0	0	0	0	0	0
GS-1 \$ 22,115 - 27,663	0		0	0	0	0	0	0
Total, Appropriated Positions	557	0	557	0	631	0	74	0
Average SES Salary		160,894		160,894		160,894		
Average GS Salary		95,537		95,537		95,537		
Average GS Grade	13	0	13	0	13	0		

L. Summary of Requirements by Object Class

Summary of Requirements by Object Class

General Administration
Salaries and Expenses
(Dollars in Thousands)

Object Class	2012 Actual		2013 Availability *		2014 Request		Increase/Decrease	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
11.1 Full-Time Permanent	500	53,093	486	53,373	536	67,000	50	13,627
11.3 Other Full-Time Permanent	0	3,103	0	3,653	0	1,800	0	-1,753
11.5 Other Personnel Compensation	0	1,203	0	1,473	0	1,840	0	367
Overruns	0	299	0	379	0	501	0	122
Other Compensation	0	904	0	1,054	0	1,339	0	245
11.6 Special Personal Services Payments	0	0	0	0	0	0	0	0
Total	500	57,399	486	58,399	536	70,840	50	12,241
Other Object Classes								
12.0 Personnel Benefits	15,196	15,196	0	15,349	0	17,650	0	2,501
13.0 Benefits for former personnel	629	629	0	1,104	0	2,025	0	921
21.0 Travel and Transportation of Persons	2,612	2,612	3,272	2,543	0	2,543	0	-729
22.0 Transportation of Things	17,192	17,192	17,460	19,920	0	19,920	0	2,360
23.1 Rental Payments to GSA	985	985	1,155	0	0	0	0	-1,155
23.2 Rental Payments to Others	1,927	1,927	1,977	1,846	0	1,846	0	-131
23.3 Communications, Utilities, and Miscellaneous Charges	45	45	55	111	0	56	0	56
24.0 Printing and Reproduction	960	960	960	1,033	73	1,033	0	73
25.1 Advisory and Assistance Services	2,698	2,698	3,548	3,504	0	3,504	0	-44
25.2 Other Services from Non-Federal Sources	4,362	4,362	4,440	4,290	0	4,290	0	-150
25.3 Other Goods and Services from Federal Sources	0	0	0	0	0	0	0	0
25.4 Operation and Maintenance of Facilities	0	0	0	0	0	0	0	0
25.5 Research and Development Contracts	0	0	0	0	0	0	0	0
25.6 Medical Care	653	653	1,573	673	0	673	0	-900
25.7 Operation and Maintenance of Equipment	2,047	2,047	2,514	1,623	0	1,623	0	-861
25.8 Substance and Support of Persons	242	242	542	250	0	250	0	-292
26.0 Supplies and Materials	0	0	0	0	0	0	0	0
31.0 Equipment	0	0	0	0	0	0	0	0
32.0 Land and Structures	0	0	0	0	0	0	0	0
41.0 Grants, Subsidies, and Contributions	0	0	0	0	0	0	0	0
42.0 Insurance Claims and Indemnities	0	0	0	0	0	0	0	0
Total Obligations	106,950	106,950	112,348	126,208	0	126,208	0	13,890
Subtract - Unobligated Balance, Start-of-Year	-601	-601	-472	-472	0	0	0	472
Subtract - Transfers/Reprogramming	-1,150	-1,150	-350	-350	0	0	0	350
Subtract - Recoveries/Refunds	-46	-46	-26	-26	0	0	0	26
Add - Unobligated End-of-Year, Available	472	472	0	0	0	0	0	0
Add - Unobligated End-of-Year, Expiring	5,197	5,197	0	0	0	0	0	0
Total Direct Requirements	0	110,822	0	111,500	0	126,208	0	14,708
Reimbursable FTE	0	0	0	0	0	0	0	0
Full-Time Permanent	0	0	0	0	0	0	0	0
23.1 Rental Payments to GSA (Reimbursable)	0	0	0	0	0	0	0	0
23.3 Other Goods and Services from Federal Sources - DHS Security (Reimbursable)	0	0	0	0	0	0	0	0

*The 2013 Availability includes the 0.812% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (6)). Amounts differ from Max totals due to rounding.

U.S. Department of Justice

**FY 2014 PERFORMANCE BUDGET
Congressional Submission**

Justice Information Sharing Technology

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I. Overview

The FY 2014 Justice Information Sharing Technology (JIST) request is a total of \$25,842,000 and 59 positions, including a program increase of \$8,400,000. JIST funds the Department of Justice enterprise investments in information technology (IT). As a centralized fund under the control of the Department of Justice Chief Information Officer (DOJ CIO), it ensures that investments in IT systems, cyber security, and information sharing technology are well planned and aligned with the Department's overall IT strategy and enterprise architecture. CIO oversight of the Department's IT environments is critical, given the level of staff dependence on the IT infrastructure and security environments necessary to conduct legal, investigative, and administrative functions.

In FY 2014, the JIST appropriation will fund the DOJ CIO's continuing efforts to transform IT enterprise infrastructure and cyber security, the Office of the CIO's performance of responsibilities under the Clinger-Cohen Act of 1996, and the coordination of the Department's response to Office of Management and Budget (OMB) mandates. JIST will fund investments in IT infrastructure, cyber security infrastructure and applications, and financial management that supports the overall mission of the Department and contributes to the achievement of DOJ strategic goals. Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.justice.gov/02organizations/bpp.htm>

II. Summary of Program Changes

Item Name	Description	Description			Page
		Pos	FTE	Dollars (\$000)	
IT Transformation & Cyber Security	Implement cost efficient, enterprise infrastructure for shared services, storage, hosting, networking, facilities, and support that can be leveraged across the Department; and address new and emerging cyber security threats and implement advance intrusion detection and response capabilities to counter advanced persistent threats.	0	0	\$8,400	15

In addition, DOJ has created a savings reinvestment strategy that will support component-specific transformation as well as Department-wide projects. As a result, \$35,400,000 from components will augment JIST resources to advance initiatives to transform IT enterprise infrastructure and cyber security.

III. Appropriations Language and Analysis of Appropriations Language

Appropriations Language

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, [\$44,307,000] ~~\$25,842,000~~, to remain available until expended; Provided, That the Attorney General may transfer up to \$35,400,000 to this account, from funds available to the Department of Justice for information technology, for enterprise-wide information technology initiatives; Provided further, That the transfer authority in the preceding proviso is in addition to any other transfer authority contained in this Act.

Analysis of Appropriations Language

New language is proposed to provide the Department's Chief Information Officer with additional transfer authority for reinvestment in DOJ enterprise-wide IT initiatives. This reinvestment pool is established by authorizing the transfer of component funding, up to a certain cap, into the JIST account. This new language meets the intent of the Administration's guidance related to Improving Management of IT Investments.

IV. Program Activity Justification

A. Justice Information Sharing Technology – (JIST)

JIST - TOTAL	Direct Pos.	Estimate FTE	Amount
2012 Enacted	72	54	\$44,307,000
2013 Continuing Resolution	72	54	44,307,000
2013 Continuing Resolution 0.612% Increase	72	54	44,578,000
Base and Technical Adjustments	-13	5	-27,136,000
2014 Current Services	59	59	17,442,000
2014 Program Increases	0	0	8,400,000
2014 Request	59	59	25,842,000
Total Change 2012-2014	-13	5	-\$18,465,000

JIST – Technology Breakout	Direct Pos.	Estimate FTE	Amount
2012 Enacted	72	54	\$44,307,000
2013 Continuing Resolution	72	54	44,307,000
2013 Continuing Resolution 0.612% Increase	72	54	44,578,000
Base and Technical Adjustments	-13	5	-27,136,000
2014 Current Services	59	59	17,442,000
2014 Program Increases	0	0	8,400,000
2014 Request	59	59	25,842,000
Total Change 2012-2014	-13	5	-\$18,465,000

1. Program Description

JIST programs support the attainment of the Department's strategic goals by funding the Office of the CIO, which is responsible for the management and oversight of the Department's IT investments. The JIST appropriation supports the daily activities of the Department's agents, attorneys, analysts, and administrative staff, and funds the following five programs to provide enterprise-wide, cost-effective IT infrastructure, cyber security applications, information sharing technologies, and a unified financial system.

a. IT Transformation and Cyber Security

The IT Transformation and Cyber Security (ITT&CS) Program is a multiyear commitment that aims to transform IT by implementing shared IT infrastructure for the Department and shifting investments to the most efficient computing platforms, including shared services and next generation storage, hosting, networking, and facilities. The ITT&CS Program directly supports the Federal CIO's 25 Point Plan to Reform Federal IT Management and the PortfolioStat (PSTAT) process, and aligns the Department's IT operations with the Federal Data Center Consolidation and Shared First Initiatives. Work on these initiatives began in FY 2012 and will continue into FY 2013 and FY 2014. The program consists of the

following six projects: cyber security, e-mail consolidation, data center consolidation, mobility and remote access, desktops, and telecommunications.

The ITT&CS activities in FYs 2013 and 2014 will focus on insider threats, implementation of advanced intrusion detection and response capabilities in order to counter state sponsored cyber attacks, and the monitoring and evaluation of emerging threats.

b. Public Key Infrastructure/HSPD-12

The Public Key Infrastructure (PKI) program is DOJ's Identity Management Services Program, which consolidates several related cyber security initiatives by developing enterprise architecture policies, plans, best practices, and standards for HSPD-12 and the Federal Identity, Credential, and Access Management (ICAM) segment architecture investments and related IT improvements across DOJ. This program provides the planning, training, operational support, and oversight of the HSPD-12 Personal Identification Verification card (PIVCard) deployment process, and operates the ongoing centralized system for DOJ component employees and contractors.

The PIVCard is the centerpiece of the HSPD-12 solution being implemented government-wide. Standards set by the National Institute of Standards and Technology (NIST) are the basis for satisfying identification and security requirements and for the use of a common PIVCard to achieve both logical and physical access to Federal-controlled facilities and information systems. The PIVCard contains logical elements including PKI certificates, digital photos, and fingerprint biometrics. The PIVCard and related processes greatly enhance security, increase efficiency, reduce identity fraud, and protect personal privacy.

The PKI program serves as DOJ's departmental issuer of PIVCards, which is a mandatory element of the Department's compliance with government standards that will allow cross-agency secure communications. Additionally, the program serves as the primary governing body for DOJ compliance and implementation of the Federal ICAM Initiative. This includes the development and implementation of enterprise services required to use PIVCards, and coordination and execution of agency and sub-agency ICAM implementation plans. Compliance with the Federal ICAM will ensure that value is derived from the HSPD-12 PIVCard investment through increased security of agency facilities and information assets.

c. Law Enforcement Information Sharing Program

The Law Enforcement Information Sharing Program (LEISP) represents a strategic approach to sharing data with other DOJ components, other federal agencies, and partners at the state, local, and tribal levels. LEISP is an executive oversight program that provides the lynchpin for connecting several ongoing projects within key DOJ components under a common set of goals and objectives, and ensures compliance with applicable DOJ policies and memoranda that include, but are not limited to, data sharing, privacy, and technologies. LEISP-related database application systems enable state, local, and Federal law enforcement agencies nationwide to collect, share, and analyze law enforcement information on criminal activities

and separately, in a more tightly controlled environment, to share and analyze sensitive intelligence data.

d. Policy & Planning Staff

Office of CIO - DOJ IT Management: JIST funds the Policy & Planning Staff (PPS), which supports CIO management in complying with the Clinger-Cohen Act and other applicable laws, rules, and regulations for federal information resource management. PPS develops, implements, and oversees an integrated approach for effectively and efficiently planning and managing DOJ's information technology resources.

PPS includes groups responsible for IT investment management (ITIM), enterprise architecture and infrastructure architecture. The ITIM planning and governance group manages the Department's IT investment and budget planning processes; develops and maintains the Department's general IT program policy and guidance documents; and coordinates the activities of the DIRB and CIO Council for the Department CIO. Other responsibilities include managing the Department's Paperwork Reduction Act program, coordinating IT program audits, and ensuring IT program compliance with records management, accessibility, and other statutory requirements. PPS also performs functions associated with wireless communications, such as strategic planning, spectrum management, oversight, and liaison and coordination efforts with stakeholders.

Enterprise IT Architecture: Enterprise IT Architecture (EA) monitors and ensures compliance with OMB and Government Accountability Office (GAO) enterprise architecture requirements; advises the CIO on strategic priorities; and works to drive these priorities to implementation. To achieve these objectives, the chief enterprise architect undertakes/monitors IT strategic planning; documents the Department-wide EA and performs EA governance/coordination across the Department; supports investment reviews (DIRB and ITIM); and develops detailed architectures for Department-wide segments, such as information sharing, in collaboration with key stakeholders from across the Department. EA also works with various cross-government programs to represent the Department on issues which affect IT architecture, such as Green IT and information sharing.

Chief Technology Office: The Chief Technology Office (CTO) identifies, evaluates, and pilots innovative new technologies that can result in more cost-effective IT solutions for the Department, with the goal of proving their value propositions and finding Department entities to commit to adoption. Currently, the CTO is working with the Drug Enforcement Administration (DEA) and Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to develop an enterprise Geospatial Information Service (GIS) to reduce the cost of implementing secure access to a commercially available GIS application.

Wireless Management Office: The FY 2013 Budget proposed shifting program management of the Law Enforcement Wireless Communications program from the Justice Management Division (JMD) to the Federal Bureau of Investigation (FBI), with the Department's CIO maintaining oversight and strategic planning responsibility for the program. Transition activities began in 2013. The FY 2014 Budget memorializes the plan

by transferring investment resources to the FBI while the operations and maintenance resources for existing legacy systems are directed to the appropriate component. The JIST Wireless Management Office (WMO) staff will be responsible for performing the following functions for the Department's radio program:

- o **Strategic Planning:** The WMO wireless and planning staff works with the law enforcement components and represents the Department in the National Telecommunication and Information Administration (NTIA), White House, and other external entities on issues related to spectrum auctions, and the resulting impact on DOJ wireless operations. They advise the DOJ CIO, JMD, Deputy Attorney General (DAG) and executive leadership on spectrum relocation and related wireless topics and issues. The WMO also develops a common wireless strategy for the Department, without bias toward any particular component, and addresses a variety of factors including new/developing technologies, and better spending strategies.
- o **Spectrum Management:** The staff is responsible for formulating and implementing policies, procedures, and standards for the spectrum-related parameters, and characteristics, of a radio station or system for the purpose of managing the radio frequency spectrum for all Department radio communications systems. In concert with the strategic planning function, they evaluate spectrum relocation and advise the DOJ CIO, JMD, DAG and executive leadership on spectrum relocation impacts to the Department.
- o **Oversight/Liaison/Coordination:** The staff provides oversight and coordination of the Department's wireless communications efforts, including the review of Department investments in wireless technology to ensure that budgetary resources are effectively used across the Department and interoperability across the Department and with state and locals is coordinated.

e. Unified Financial Management Systems

The Unified Financial Management System (UFMS) is one of the Department's highest management priorities. Identified by the Department's Inspector General as "one of the most important challenges for the Department," the Department is implementing UFMS to replace legacy financial systems. This allows the Department to streamline and standardize business processes and procedures across all components as well as provide accurate, timely, and useful financial and procurement data to financial and program managers. In addition, UFMS assists the Department by improving financial management performance and aids in addressing the material weaknesses and non-conformances in internal controls, accounting standards, and systems security identified by the Department's Inspector General.

UFMS currently serves 5,000 users from six DOJ organizations – DEA, ATF, the U.S. Marshals Service (USMS), Asset Forfeiture Program (AFP), FBI, and the Federal Bureau of Prisons (BOP). In October 2012, USMS and AFP implemented UFMS as the financial system of record, joining ATF and BOP in a shared instance of UFMS. USMS deployed UFMS to over 2,000 users nationwide, moving from an internally operated system more than 15 years old. Also in October 2012, FBI implemented a UFMS pilot to more than 300 users

from the Criminal Justice Information Systems (CJIS) Division, three district offices, and a Legal Attaché.

The three FY 2012 implementations were completed on schedule and within budget. DOJ organizations using UFMS as the system of record continued to receive clean financial audits in FY 2012.

The FBI's implementation of UFMS nationwide as the financial system of record will be completed in the first quarter of FY 2014. The UFMS Consolidation project, also targeted for completion in FY 2014, consists of two parts. A technical refresh of the Momentum application incorporates new federal data requirements and ensures compatibility with newer technology. Migrating sensitive but unclassified (SBU) customers to the newer version (UFMS 2.2) and serving DEA in the shared instance of UFMS reduces operational costs and lowers risk. The FBI will also deploy UFMS 2.2, achieving the program goal of supporting UFMS users on the same version to maximize the value to the Department.

2. Performance Tables

PERFORMANCE AND RESOURCES TABLE									
Decision Unit: JMD/OCIO/Justice Information Sharing Technology (JIST)									
DOJ Strategic Goal/Objective: 2.6. Protect the federal fisc and defend the interests of the United States									
RESOURCES									
	Target		Actual		Projected		Changes		Requested (Total)
	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	
									FY 2014 Request
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)									
	72	44,307 [79,191]	54	44,307 [90,022]	54	44,578 [51,734]	0	-18,736 [2,666]	59 25,842 [54,400]
TYPE/ STRATEGIC OBJECTIVE									
									FY 2014 Request
Program Activity									
	72	44,307 [79,191]	54	44,307 [90,022]	54	44,578 [51,734]	0	-18,736 [2,666]	59 25,842 [54,400]
Performance Measure		98%		99%		100%		N/A	100%
Performance Measure		100%		0%		0%		N/A	0%
Performance Measure		99%		100%		99%		N/A	99%
Performance Measure		99%		99%		99%		N/A	99%
Performance Measure		100%		100%		100%		N/A	100%
Performance Measure		75%		86%		85%		N/A	85%

PERFORMANCE MEASURE TABLE										
Decision Unit: JMD/OCIO/Justice Information Sharing Technology (JIST)										
Performance Report and Performance Plan Targets		FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY2012		FY 2013	FY 2014
Performance Measure		Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Percentage of offenders booked through JABS		97%	99%	99%	98%	98%	98%	99%	100%	100%
Percentage of total JCON workstations deployed in the fiscal year		45%	0%	15%	100%	100%	0%	0%	0%	0%
Performance Measure	Maintain mainframe enterprise system availability for client organizations	N/A	100%	100%	99%	100%	99%	100%	99%	99%
Performance Measure	Maintain JMD/SMO JCON system availability for client organizations	99%	100%	100%	99%	99%	99%	99%	99%	99%
Performance Measure	Ensure IT systems are certified and accredited	22%	100%	100%	100%	100%	100%	100%	100%	100%
Performance Measure	Ensure IT help desk calls are answered and resolved within service level agreement terms	N/A	87%	78%	75%	90%	75%	86%	85%	85%

N/A = Data unavailable

* Denotes inclusion of the DOJ Annual Performance Plan

1/ Due to limited funding available for the deployment of JCON workstations, this measure has been discontinued.

3. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes

JIST programs support the Department's Strategic Goals by providing staff and the enterprise IT infrastructure and security environments necessary to conduct legal, investigative, and administrative functions. Specifically, JIST supports Strategic Objective 2.6: *Protect the federal fisc and defend the interests of the United States*. The FY 2012 – FY 2016 Strategic Goals are:

- Strategic Goal 1: Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law.
- Strategic Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law.
- Strategic Goal 3: Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal, and International Levels.

JIST provides resources so that the DOJ CIO can ensure that investments in IT infrastructure, cyber security infrastructure and applications, central solutions for commodity applications, secure communications, and information sharing technology are well planned and aligned with the Department's overall IT strategy and enterprise architecture. The PortfolioStat process has identified investment initiatives to transform IT infrastructure which will drive efficiency and cost savings by centralizing the delivery of commodity IT services across the enterprise. The DOJ CIO focus is to advance these initiatives to transform IT enterprise structure and cyber security.

Major IT investments are periodically reviewed by the Department IT Investment Review Board. The Deputy Attorney General chairs the board, and the DOJ CIO serves as vice chair. The DIRB includes the Assistant Attorney General for Administration, the Controller, and various Deputy CIOs.

The DIRB provides the highest level of investment oversight as part of the Department's overall IT investment management process. The Department's IT investments are vetted annually through the budget submission process, in conjunction with each component's ITIM process. Of the hundreds of projects that are funded annually across the Department, approximately a dozen are selected each year for DIRB review based on the size of their budget and/or their strategic importance to the Department's missions. The DIRB's principal functions in fulfilling its decision-making responsibilities are to:

- Ensure compliance with the Clinger-Cohen Act and all other applicable laws, rules, and regulations regarding information resources management;
- Monitor the Department's most important IT investments throughout their project lifecycle to ensure goals are met and the expected returns on investment are achieved;

- Ensure each project under review has established effective budget, schedule, operational, performance, and security metrics that support the achievement of key project milestones;
- Review the recommendations and issues raised by the components' IT investment management process;
- Annually review each component's IT investment portfolio, including business cases for new investments, to enable informed departmental IT portfolio decisions; and
- Develop and implement decision-making processes that are consistent with the purposes of the DIRB, as well as applicable congressional and OMB guidelines for selecting, monitoring, and evaluating information system investments.

In addition to the DIRB, the Department maintains an IT Dashboard that allows management to review various aspects of major initiatives. The Dashboard is considered another oversight tool since all projects cannot be reviewed by the DIRB. The Dashboard includes Earned Value Management System (EVMS) reporting to ensure projects are evaluated against acceptable variances for scope, schedule, and costs. Risk analysis and project funding information are also available in this tool. This allows the Department's CIO and senior management team to have timely access to project information via the web.

b. Strategies to Accomplish Outcomes

Specific mission critical IT infrastructure investments are designed, engineered, and deployed with JIST resources. JIST consists of the following three programs.

- **The IT Transformation and Cyber Security Program** is a multiyear commitment to transform the Department's IT enterprise infrastructure to centralize commodity IT services and cyber security. Work on this program began in FY 2012 and will continue into FY 2013 and FY 2014. The program currently consists of the following six projects:
 1. **E-mail and Consolidation:** Consolidate eight of the 20 DOJ e-mail systems in FY 2013 and, by FY 2014 and implement a Department-wide cloud or managed service solution. The number of e-mail systems will be reduced to two in FY 2014 and FY 2015, and eventually to one.
 2. **Data Center Consolidation:** Reduce the number of DOJ data centers by acquiring the necessary data center space and services and move/migrate data processing to new locations and service agreements. The Department has closed 38 data centers since 2010, and plans to close 13 additional data centers in FY 2013.
 3. **Cyber Security:** Develop and implement enterprise trusted infrastructure and architecture to provide secure and resilient systems and networks that ensure the confidentiality, integrity, and availability of data. The primary focus is the prevention and detection of insider threats and advanced cyber threats.
 4. **Mobility and Remote Access:** Implement an enterprise infrastructure to improve efficiency by enabling a mobile workforce and telework. DOJ anticipates implementing an enterprise infrastructure for this activity in FY 2014.

5. **Desktops:** Short-term goal is to implement strategic sourcing for desktops through establishing strategy, funding models, policy, and evaluations of architectures and solutions. Funding in FY 2014 will be used to design and implement an enterprise virtual desktop pilot.
6. **Telecommunications:** The FY 2014 funding will be used for the DOJ enterprise VoIP solution to reduce stand alone component services.

In FY 2014, DOJ components will be required to set aside 5% of their IT spending to establish a pool for reinvestment in enterprise IT projects and in component IT projects targeting improved citizen services or administrative efficiencies. JIST will fund the enterprise commodity IT projects and cyber security using base resources and a portion – \$35,400,000 – of the components' set-aside pool. This reinvestment strategy challenges components to find efficiencies and builds from the collaborative efforts amongst the IT community and the PSTAT process.

- The **Public Key Infrastructure/Identity Management Program** develops the enterprise architecture standards for identity management and provides planning, training, operational support, and oversight of the PIVCard deployment process for DOJ component employees and contractors. It also serves as the primary governing body for DOJ compliance and implementation of the federal Identity, Credential, Access Management infrastructure. The card and related processing will become integral for encrypting sensitive data, remote processing and telework, and automating workflows and authorizations (electronic signatures).
- The **Law Enforcement Information Sharing Program** develops and promotes information sharing architectural standards and services for connecting ongoing projects within key DOJ components, under a common set of goals and objectives. LEISP also provides technical support to Department projects to understand and implement the National Information Exchange Model (NIEM) based exchanges for information sharing solutions.

V. Program Increase

Item Name: IT Transformation and Cyber Security

Budget Decision Unit(s): JIST
 Strategic Goal/Objective: Supports Goals 1-3
 Organizational Program: JIST

Component Ranking of Item: 1

Program Increase: Positions 0 Agt/Atty 0 FTE 0 Dollars \$8,400,000

Description of Item

The IT Transformation and Cyber Security (ITT&CS) Program is a multiyear effort to move the Department from its highly federated IT model to a more leveraged architecture and footprint and to protect the Department's networks from current and emerging cyber security threats. The increase of \$8,400,000 will continue the efforts of the ITT&CS Program to:

- Implement the Federal CIO's 25 Point Plan to Reform Federal IT Management by implementing a cost-efficient enterprise IT infrastructure using infrastructure building blocks and IT systems that can be leveraged across the Department
- Protect the Department against current and emerging cyber security threats by implementing security infrastructure to address insider threats and advanced persistent attack threats and upgrading the Department's trusted infrastructure.

In addition to these new resources, DOJ components will be required to set aside 5% of their IT spending to establish a pool for reinvestment in enterprise IT projects and in component IT projects targeting improved citizen services or administrative efficiencies. From this amount, \$35,400,000 will advance initiatives to transform IT enterprise infrastructure and cyber security resulting in reduced operating costs and a more secure IT environment.

Justification

The ITT&CS Program is aimed toward implementing a cost-efficient infrastructure model using basic infrastructure building-blocks and enhancing the Department's security posture by implementing cyber security measures to counter new and emerging cyber threats. Implementation of this model will reduce the cost of the Department's IT operations and facilitate further savings by consolidating data centers. It will strengthen the Department's capabilities to address new and emerging threats, ensure the protection of sensitive data, and facilitate the availability of networks and data so the Department's staff can securely conduct legal, investigative and administrative functions.

IT Transformation

The Information Technology Transformation (ITT) Program is directed toward transforming the Department's IT infrastructure to a more cost-efficient and flexible building block architecture that is currently being used by many commercial and government organizations. Over time, the ITT will design, develop, and implement basic enterprise-level infrastructure building blocks such as data center space, networking, hosting, and next generation storage that can be used by components to reduce their infrastructure and operating cost. This will modernize and consolidate the Department's IT infrastructure by aligning the Department's IT operational requirements with the Federal Data Center Consolidation and Shared First Initiatives.

Departmental E-mail. The Departmental E-mail initiative is a multiyear effort to deliver a central shared e-mail solution and support the migration of components to the new application. E-mail is a commodity application that can be provided more cost effectively by moving toward a shared application for the Department. The effort will evaluate efficient computing alternatives including cloud and software-as-a-service, to reduce cost and allow components to adopt related applications (collaboration, live meetings, calendaring, enterprise-wide mailing lists, voice-mail/e-mail integration, net meetings, and SharePoint) across the Department. The Department currently operates 20 disparate e-mail systems. In FY 2013, 13 e-mail systems in small components will be consolidated, leaving eight systems. The long-term goal further reduces the number of systems to two in FY 2014 and FY 2015, and eventually to one.

Enterprise Data Center Modernization/Virtual Hosting and Shared Storage Platforms. IT across DOJ is running at 74 different data centers on disparate component-run architectures. This has resulted in a fragmented hosting and storage architecture that is expensive to operate and impedes both effective collaboration and data center consolidation.

The modernization of Justice Data Center-Washington (JDC-W) and the consolidation of DOJ data centers require a scalable virtualized hosting environment to which today's disparate applications can move. Unlike E-mail, many DOJ applications are not candidates for consolidation at the application-level across the enterprise. They are, however, capable of running on standard computing and storage architecture. A virtual hosting platform will provide the scalable, pay-as-you-grow service that eliminates the need for each component to plan, secure and maintain its own unique underlying infrastructure. Components will be more agile as a result, and future DOJ applications will be more portable. Moving from the current fragmented hosting architecture to the enterprise virtual hosting platform will yield cost savings that flow from leveraging buys of commodity service, and reduce the need to maintain excess capacity.

Data Center Transformation. Explosive growth in the data center footprint across the Department due to operational silos has resulted in duplicative and inefficient data center operations. These inefficiencies arise in all aspects of the data center, from infrastructure, power consumption, labor, maintenance, as well as physical and IT security. As a result, consolidation efforts must address the inefficiencies that exist while preparing the government to meet future mission demands. The implementation and migration of components to enterprise virtual

hosting and storage platforms are the initial actions to modernize DOJ data centers to facilitate data center consolidation.

The Federal Data Center Consolidation Initiative (FDCCI) mandates that the Department close data centers and perform server consolidation to meet environmental, budget, and performance targets established for the federal enterprise. The Department is working to plan, architect, standardize, direct, deploy, transition, and assess performance related to the agency-wide effort to comply with FDCCI and Shared First Initiatives through multiple efficient-computing alternatives, including: public cloud, private cloud, commercial hosting, government hosting, increased multi-tenant collocation, and increased virtualization. The ITT&CS increase is requested to acquire the necessary data center space and services and execute the move/migration of data processing to new locations and service agreements. Moving from a fragmented best-effort approach by components to a central initiative will result in a more rational process with a higher level of intra-Department coordination that can meet the FDCCI targets and better reduce the Department's data center cost.

Cyber Security

The cyber security threat directed toward the Department is not static; it is a dynamic threat with the scope, number, and complexity changing and expanding. Recent cyber attacks show that they can be initiated by individuals within or external to an organization, by criminal organizations, or groups sponsored by nation states. To effectively counter the evolving cyber security threat, the Department must address new threats in a timely manner and continually monitor, evaluate, and plan defenses against emerging threats that present near-term risk and potential loss. The ITT&CS Program funds activities to establish a front line of defense against immediate cyber threats and strengthens the cyber security environment to facilitate response to new threats.

The immediate cyber security risk facing the Department is insider threats and advanced persistent threat (APT) undertaken by large private/criminal organizations or nation state sponsored groups. The Department must continue work to consolidate and secure SBU and classified networks to improve its overall security posture.

Insider Threat. The 2010 WikiLeaks incident and other recent data leakages highlight the fact that insider threats pose one of the greatest risks to government information systems. Employees are trusted with sensitive and/or classified information and there is often little oversight or security governing that access. Implementing strong, flexible, and scalable measures to prevent insider attacks from succeeding is vital.

In 2011, the Information Security Assessment revealed significant security weaknesses throughout the government and within the Department. Of primary concern were the control and monitoring of removable media, insider threat behavior monitoring and detection, and prevention of data leaks on all sensitive and classified information systems. The Department has put in place Plans of Actions and Milestones (POAMs) to correct these shortfalls. Removable media implementation is nearing completion, and insider threat is on track to reach Initial Operational Capabilities (IOC).

To counter insider threats, the increase will be used to design a defense plan and acquire and implement hardware infrastructure and software tools to monitor, detect, and respond to insider threats.

Advanced Persistent Threat. APT is a sophisticated and organized cyber-attack to access and steal information from compromised computers. These attacks are usually initiated by large private/criminal organizations or groups sponsored by nation states. The occurrence of APT attacks against the federal government is increasing.

APT intruders introduce malicious code (malware) that circumvents common safeguards such as anti-virus and intrusion detection systems and are capable of escalating their tools and techniques as our capability to respond improves. As a result, the APT attacks present different challenges than addressing common computer security breaches.

New monitoring technologies such as host-based monitoring and signature detection technologies are critical to successfully identifying malicious activity that hides in routine network traffic or lies dormant until it is required to maintain access to the network. These technologies will allow the Justice Security Operations Center (JSOC) to identify malware often missed while monitoring networks. Without the implementation of these advanced technologies, DOJ will not know if it has been targeted by an APT, which increases the risk of sensitive data loss and results in significant amounts of JSOC time wasted to conduct tactical remediation in an effort to understand the extent of a security compromise.

To effectively protect the networks and data, the Department's security architecture and infrastructure must specifically take APTs into account by implementing a more offensive approach to security. Next-generation software can provide advanced analytics of data which look for network or host-based anomalies that will help uncover any attack or malware that may have slipped through the Department's security perimeter.

Consolidate Security Architecture. DOJ's security infrastructure has been built incrementally, primarily funded by and installed with the specific needs of component organization buying each element installed. The result is that, over time, the landscape of SBU network communications, security, monitoring, and logical services infrastructures have become quite varied and inconsistent. The Department's classified networks and systems are similarly fragmented and security technologies are inconsistently implemented. The increase will provide the funds to secure the Department's external system and network connections and prioritize data traffic flow through segmentation of services while enhancing the efficiency and effectiveness of monitoring traffic through the JSOC.

Reinvestment Strategy

In FY 2014, DOJ components will be required to set aside 5% of their IT spending to establish a pool for reinvestment in enterprise IT projects and in component IT projects targeting improved citizen services or administrative efficiencies. Each component will be responsible for detailing how the IT savings will be realized within existing projects and, in coordination with the Department CIO, where component-level reinvestments will be made, toward the objective of

shifting funds from lower priority and lower performing projects to higher priority and more efficient projects. From this amount, \$35,400,000 will advance initiatives to transform IT enterprise infrastructure and cyber security resulting in reduced operating costs and a more secure IT environment.

The reinvestment approach strikes the right balance between empowering the component CIOs, while at the same time giving the Department CIO authority over Enterprise IT investment. It challenges components to find efficiencies and builds from the collaborative efforts amongst the IT community and the PSTAT process:

- This savings and reinvestment strategy facilitates a way to institutionalize Smart IT investments without a cut to base resources. By targeting 5% savings within each component, components are encouraged to be creative to show savings and efficiency results within their own IT portfolios.
- The savings and reinvestment strategy empowers the component CIOs and challenges them to take a critical look at the component-level IT investments to determine which support the most important needs and which may be under-performing. The savings goals may also prompt component CIOs to consider participating in potentially less expensive enterprise-wide solutions.
- Components will be part of the continual review and reinvestment process for Enterprise IT projects. This will add transparency to these Department-wide projects and allow components to review Department-led projects, and collaborate on the planning and implementation. This continual review and reinvestment process will provide decisions that will be incorporated into the budget process.
- The 5% savings provides a recurring investment pool for smart IT investments. It will allow the Department's CIO to pool purchasing power across the entire organization to drive down costs and improve service for Department-wide initiatives.

Impact on Performance

The Department's ability to achieve its strategic goals depends heavily on its IT and cyber security infrastructure to support agents, attorneys, analysts, and administrative staff in conducting legal, investigative and administrative functions. The complexity of the mission, challenging business environment, and increasing need for collaboration are factors driving investments in IT. The ITT&CS increase, augmented by IT resources set aside by components, impacts performance by reducing IT infrastructure cost, implementing a shared E-mail application, and implementing an IT architecture that facilitates the adoption of mission-enabling technologies.

To meet mission investigative and information sharing requirements, DOJ's workforce is increasingly reliant on connectivity to the Internet, other DOJ components, and multiple levels of government. This connectivity level increases the exposure of DOJ systems to disruption from cyber threats and attacks. The ITT&CS increase will allow the Department to address weaknesses in its current network and security architecture. This will not only improve the overall security of the network, but will improve its administration and monitoring. Secure and resilient systems and networks will provide DOJ with the necessary IT tools to ensure that

agents, attorneys, and analysts have unimpeded access to the systems, networks, and data necessary to achieve their missions.

Base Funding

FY 2012 Enacted				FY 2013 CR				FY 2014 Current Services			
Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)
5	0	3	5,058	4	0	5	4,829	5	0	5	815

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2014 Request (\$000)	FY 2015 Net Annualization (change from 2014) (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)
Total Personnel		0	\$0	\$0	\$0

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2014 Request (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)	FY 2016 Net Annualization (Change from 2015) (\$000)
Total Non-Personnel	n/a	n/a	\$8,400	\$0	\$0

Total Request for this Item

	Pos	Agt/Atty	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)	FY 2016 Net Annualization (Change from 2015) (\$000)
Current Services	0	0	0	\$725	\$90	\$815	\$0	\$0
Increases	0	0	0	\$0	\$8,400	\$8,400	\$0	\$0
Grand Total	0	0	0	\$725	\$8,490	\$9,215	\$0	\$0

B. Summary Requirements

Summary of Requirements
JUST
 Salaries and Expenses
 (Dollars in Thousands)

	Direct Pos.	FY 2014 Request Estimate FTE	Amount
2012 Enacted			
2012 Balance Recession (if applicable)			
Total 2012 Enacted (with Balance Recession) 1/	72	64	44,307
2013 Continuing Resolution			
2013 CR 0.612% Increase	72	64	44,307
2013 Supplemental Appropriation - Sandy Hurricane Relief			271
Total 2013 Continuing Resolution (with Balance Recession and Supplemental)	72	64	44,578
Technical Adjustments			
Adjustment - 2013 CR 0.612%	0	0	(271)
Total Technical Adjustments	0	0	(271)
Base Adjustments			
Transfers:			
Transfers- JABS - From JUST	(5)	0	(9,500)
Transfers- JCON and JCON SITS Transfers - From JUST	(8)	0	(17,529)
Pay and Benefits	0	0	182
Position/FTE Adjustment	0	5	0
Domestic Rent and Facilities	0	0	(21)
Other Adjustments- Working Capital Fund	0	0	3
Total Base Adjustments	(13)	5	(28,868)
Total Technical and Base Adjustments	(13)	5	(27,133)
2014 Current Services			
Program Changes	59	59	17,442
Increases:			
Data Centers	0	0	14,000
Desktops	0	0	15,000
Email and Collaboration	0	0	11,300
IT Transformation and Cyber Security	0	0	8,400
IT Security	0	0	11,700
Mobility	0	0	2,600
Telecommunications	0	0	600
Total Program Changes	0	0	8,400
Total 2014 Request	59	59	25,842
2012 - 2014 Total Change	(13)	5	(18,465)

1/ FY 2012 FTE is actual

B. Summary of Requirements

Summary of Requirements

JST
Salaries and Expenses
(Dollars in Thousands)

Program Activity	2012 Appropriation Enacted			2013 Continuing Resolution			2014 Technical and Base Adjustments			2014 Current Services		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
JST	72	54	44,307	72	54	44,378	(13)	5	(27,139)	59	59	17,442
Total Direct	72	54	44,307	72	54	44,378	(13)	5	(27,139)	59	59	17,442

Program Activity	2014 Increases			2014 Offsets			2014 Request		
	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
JST	0	0	8,400	0	0	0	0	59	25,842
Total Direct	0	0	8,400	0	0	0	0	59	25,842

A base adjustment of \$ 9,500,000 is included for the Department's Justice Automated Booking System program, which will be moved to the Working Capital Fund and provided as a billable service in FY 2014. A base adjustment of \$17,529,000 is included for the Department's Justice Consolidated Office Network (JCON) and JCON SITS programs, which will be moved to the Working Capital fund and provided as billable services in FY 2014.

FY 2014 Program Increases/Offsets by Decision Unit
JUST
Salaries and Expenses
(Dollars in Thousands)

Program Increases	Location of Description by Program Activity	JUST			Total Increases		
		Direct Pos.	Adj./ Adv.	Est. FTE Amount	Direct Pos.	Adj./ Adv.	Est. FTE Amount
Data Centers	JUST			[14,000]			[14,000]
Desktops	JUST			[5,000]			[5,000]
Email and Collaboration	JUST			[11,300]			[11,300]
IT Transformation and Cyber Security	JUST			8,400			8,400
IT Security	JUST			[1,700]			[1,700]
Mobility	JUST			[2,800]			[2,800]
Telecommunications	JUST			[690]			[690]
Total Program Increases		0	0	8,400	0	0	8,400

Resources by Department of Justice Strategic Goal/Objective
JUST
Salaries and Expenses
(Dollars in Thousands)

Strategic Goal and Strategic Objective	2012 Appropriation Enacted			2013 Continuing Resolution			2014 Current Services			2014 Increases			2014 Offsets			2014 Total Request		
	Direct/ Reimb FTE	Amount		Direct/ Reimb FTE	Amount		Direct/ Reimb FTE	Amount		Direct/ Reimb FTE	Amount		Direct/ Reimb FTE	Amount		Direct/ Reimb FTE	Amount	
2.6 Protect the federal fis and defend the interests of the United States	54	44,307		54	44,378		59	17,442		0	8,400		0	0		59	25,842	
TOTAL	54	44,307		54	44,378		59	17,442		0	8,400		0	0		59	25,842	

Note: Excludes Balance Recession and/or Supplemental Appropriations.

E. Just on for Technical and Base Adjustments

Justifications for Technical and Base Adjustments				
JUST				
Salaries and Expenses (Dollars in Thousands)				
Technical Adjustments	Direct Pos.	Estimate FTE	Amount	
1 Adjustment - 2013 CR 0.612%: PL 112-175 section 101 (c) provided 0.612% across the board increase above the current rate for the 2013 CR (funding level). This adjustment reverses this increase.	0	3	-271	
Subtotal, Technical Adjustments	0	0	-271	
Transfers				
1 FY 2013 Transfers - JABS from JUST	-5		-9,500	
2 FY 2013 Transfers-JCON and JCON SFS from JUST	-8		-17,529	
Subtotal, Transfers	-13	0	-27,029	
Pay and Benefits				
1 2014 Pay Raise: This request provides for a proposed 1 percent pay raise to be effective in January of 2014. The amount requested, \$ 117,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$ 92,430 for pay and \$ 24,570 for benefits.)			117	
2 Annualization of 2013 Pay Raise: This pay annualization represents (first quarter amounts (October through December) of the 2013 pay increase of 0.5% included in the 2013 President's Budget. The amount requested \$ 11,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits \$8,680 for pay and \$ 2,310 for benefits).			11	
3 Positional FTE Adjustment: This adjustment is required to accommodate planned hires.			0	
4 Health Insurance: Effective January 2014, the component's contribution to Federal employees' health insurance increases by 10.7 percent. Applied against the 2013 estimate of \$ 351,000, the additional amount required is \$ 38,000.			38	
5 Retirement: Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 1.3 percent per year. The requested increase of \$ 16,000 is necessary to meet our increased retirement obligations as a result of this conversion.			16	
Subtotal, Pay and Benefits	0	5	182	
Domestic Rent and Facilities				
1 Guard Services: This includes Department of Homeland Security (DHS) Federal Protective Service charges, Justice Protective Service charges and other security services across the country. The requested increase of \$ -21,000 is required to meet these commitments.	0	0	-21	
Other Adjustments	0	0	0	
Subtotal, Domestic Rent and Facilities	0	0	-21	

E. Justification for Technical and Base Adjustments

Justifications for Technical and Base Adjustments			
JIST			
Salaries and Expenses			
(Codes in Thousands)			
		Direct Pos.	Estimate FTE
			Amount
1 WOE Rate Adjustments:			
The Department's Working Capital Fund (WCF) provides Department components with centralized administrative and infrastructure support services. The WCF is a cost effective mechanism that eliminates duplication of effort and promotes economies of scale through consolidation and centralization. Inflationary adjustments are required to account for pay adjustments, contractual changes, and information technology maintenance and technology refreshment upgrades. Funding of \$ 3,000 is required for this account.			
Subtotal, Other Adjustments		0	0
			3
TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS		-13	-5
			-27,136

Crosswalk of 2012 Availability
JST
Salaries and Expenses
(Orders in Thousands)

Program Activity	2012 Appropriation Enacted w/o Balance Reclassification			Balance Reclassification			Reprogramming/Transfers			Carryover Amount	Recoveries/ Refunds Amount	2012 Actual		
	Direct	Actual FTE	Amount	Direct POS	Actual FTE	Amount	Direct POS	Actual FTE	Amount			Direct POS	Actual FTE	Amount
JST	72	54	44,307	0	0	0	0	0	0	1,872	7,811	72	54	53,850
Total Direct	72	54	44,307	0	0	0	0	0	0	1,872	7,811	72	54	53,850

Crosswalk of 2013 Availability
JIST
Salaries and Expenses
(Dollars in Thousands)

Program Activity	FY 2013 Continuing Resolution			2013 Supplemental Appropriation		2013 Reprogramming/Transfers			2013 Carryover		2013 Recoveries/ Refunds		2013 Availability		
	Direct Pos	Estim. FTE	Amount	Amount		Direct Pos	Estim. FTE	Amount	Amount		Amount		Direct Pos	Estim FTE	Amount
JIST	72	54	44,578	0	0	0	0	0	3,554		1,041		72	54	49,183
Total Direct	72	54	44,578	0	0	0	0	0	3,554		1,041		72	54	49,183

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

Summary of Reimbursable Resources

JST
Salaries and Expenses
(Dollars in Thousands)

Collections by Source	2012 Actual			2013 Planned			2014 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
5003A, Customs, FEMA, Patent Trade, Seign. Serv., & Various DOJ Components			120	90			35			0	0	(5)
ATF (BUREAU OF)							24		24	0	0	24
ATF (TRUST (ATR))			258	6			1,506		1,506	0	0	1,900
BOJ (BUREAU OF)							388		388	0	0	369
BOJ (TRUST (ATR))			742	445			4,247		4,247	0	0	3,802
CIVIL DIVISION			13	10			580		580	0	0	574
CIVIL RIGHTS DIVISION			37	21			327		327	0	0	317
COMMERCE							111		111	0	0	111
COPS							71		71	0	0	71
CRIMINAL DIVISION			51	35			371		371	0	0	335
CRS							40		40	0	0	40
DEA			326	76			2,170		2,170	0	0	2,094
DEPT OF HOMELAND SEC			41							0	0	(20)
DOJ			500	66						0	0	(68)
DEPT OF NAVY			24	22						0	0	(2)
DOT			25	17						0	0	(8)
EDUCATION			6	6			261		261	0	0	255
ENAD			180	10			437		437	0	0	427
FOIR			1,265	201			4,899		4,899	0	0	4,698
FOISA			8	530			11,653		11,653	0	0	524
FOUST			753	25						0	0	11,628
FOUST			66							0	0	(66)
FRP							338		338	0	0	338
GSA			17	14			20		20	0	0	(3)
INTERNAL							140		140	0	0	140
INTERPOL							48		48	0	0	48
NSD							143		143	0	0	143
OCDE							31		31	0	0	31
SEC			111	6			175		175	0	0	169
SMALL BUSINESS ADMIN			23	22						0	0	(1)
TAX DIVISION			16	6			216		216	0	0	(16)
US COURTS			56	56						0	0	56
US TREASURY COMPTROLLER OF CURRENCY			25	25						0	0	(25)
USDA			25	13						0	0	(13)
USDA			6,650	96			1,531		1,531	0	0	1,433
USDA							51		51	0	0	51
USDA			6	3						0	0	(6)
USDA			30							0	0	30
INDUSTRIAL PERSONNEL STAFF			860	187			4,302		4,302	0	0	4,115
INDUSTRIAL PERSONNEL STAFF			6							0	0	(6)
INDUSTRIAL PERSONNEL STAFF			931	428						0	0	(428)
INDUSTRIAL PERSONNEL STAFF			18	10						0	0	(10)
INDUSTRIAL PERSONNEL STAFF			307	30			575		575	0	0	545
INDUSTRIAL PERSONNEL STAFF			38,387	42,933			19,000		19,000	0	0	(23,933)
INDUSTRIAL PERSONNEL STAFF			38,387	6,755						0	0	(6,755)
INDUSTRIAL PERSONNEL STAFF			90,022	51,724			54,400		54,400	0	0	2,666
Budgetary Resources	0	0		0	0					0	0	

Detail of Permanent Positions by Category

JST
Salaries and Expenses

Category	2012 Appropriation Enacted		2013 Continuing Resolution		ATBs	Program Increases	2014 Request		Total Direct Pos.	Total Reimb. Pos.
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.			Program Offsets			
Clerical and Office Services (300-399)	5	0	6	0	0	0	0	0	5	0
Accounting and Budget (500-599)	2	0	2	0	0	0	0	0	2	0
Business & Industry (1100-1199)	1	0	1	0	0	0	0	0	1	0
Information Technology Mgmt (2210)	64	0	63	0	0	0	0	0	51	0
Total	72	0	72	0	0	0	0	0	59	0
Headquarters (Washington, D.C.)	72	0	72	0	0	0	0	0	59	0
U.S. Field	0	0	0	0	0	0	0	0	0	0
Foreign Field	0	0	0	0	0	0	0	0	0	0
Total	72	0	72	0	0	0	0	0	59	0

K. Summary of Requirements by Grade

Summary of Requirements by Grade

JST
Salaries and Expenses

Grades and Salary Ranges		2012 Enacted		2013 Continuing Resolution		2014 Request		Increase/Decrease	
		Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount
EX	\$ 145,700 - 199,700	0	0	0	0	0	0	0	0
SES/SL	\$ 119,554 - 179,700	5	0	5	0	5	0	0	0
GS-15	\$ 123,758 - 155,500	34	0	34	0	28	0	-6	0
GS-14	\$ 105,211 - 136,771	27	0	26	0	20	0	-6	0
GS-13	\$ 89,033 - 115,742	4	0	4	0	3	0	-1	0
GS-12	\$ 74,872 - 97,333	1	0	2	0	2	0	0	0
GS-11	\$ 62,467 - 81,204	1	0	1	0	1	0	0	0
GS-10	\$ 56,857 - 73,917	0	0	0	0	0	0	0	0
GS-9	\$ 51,630 - 67,114	0	0	0	0	0	0	0	0
GS-8	\$ 46,745 - 60,765	0	0	0	0	0	0	0	0
GS-7	\$ 42,209 - 54,875	0	0	0	0	0	0	0	0
GS-6	\$ 37,983 - 49,375	0	0	0	0	0	0	0	0
GS-5	\$ 37,075 - 44,293	0	0	0	0	0	0	0	0
GS-4	\$ 30,456 - 39,590	0	0	0	0	0	0	0	0
GS-3	\$ 27,130 - 35,269	0	0	0	0	0	0	0	0
GS-2	\$ 24,865 - 31,292	0	0	0	0	0	0	0	0
GS-1	\$ 22,115 - 27,663	0	0	0	0	0	0	0	0
Total, Appropriated Positions		72	0	72	0	59	0	-13	0
Average SES Salary			173,702		174,570		176,316		
Average GS Salary			131,726		131,660		130,842		
Average GS Grade			14		14		14		

L. Summary of Requirements by Object Class

Summary of Requirements by Object Class

JUST

Salaries and Expenses
(Dollars in Thousands)

Object Class	2012 Actual		2013 Availability		2014 Request		Increase/Decrease	
	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 Full-Time Permanent	54	7,308	54	6,223	59	6,475	5	252
11.3 Other than Full-Time Permanent								
11.5 Other Personnel Compensation		70		22		22		
Overtime								
Other Compensation								
11.8 Special Personal Services Payments								
Total	54	7,378	54	6,245	59	6,497	5	252
Other Object Classes								
12.0 Personnel Benefits		2,035		1,665		1,719		54
13.0 Benefits for former personnel								
21.0 Travel and Transportation of Persons		11		12		12		
22.0 Transportation of Things		78		10		10		
23.1 Rental Payments to GSA		4,195		2,814		2,793		(21)
23.2 Rental Payments to Others		19		16		16		
23.3 Communications, Utilities, and Miscellaneous Charges		1,031		282		282		
24.0 Printing and Reproduction		1		4		4		
25.1 Advisory and Assistance Services		11,852		10,778		2,166		(8,612)
25.2 Other Services from Non-Federal Sources		6,122		8,548		9,883		1,336
25.3 Other Goods and Services from Federal Sources		14,355		17,839		1,489		(16,350)
25.4 Operation and Maintenance of Facilities								
25.5 Research and Development Contracts								
25.6 Medical Care		1		1		1		
25.7 Operation and Maintenance of Equipment		6		2		2		
25.8 Subsistence and Support of Persons		66		50		50		
26.0 Supplies and Materials		3,233		917		917		
31.0 Equipment								
32.0 Land and Structures								
41.0 Grants, Subsidies, and Contributions								
42.0 Insurance Claims and Indemnities								
Total Obligations		50,386		49,193		25,842		(23,341)
Subtract - Unobligated Balance, Start-of-Year		(1,672)		(3,564)				3,564
Subtract - Transfers/Reprogramming								
Subtract - Recoveries/Refunds		(7,971)		(1,041)				1,041
Add - Unobligated End-of-Year, Available		3,564						
Add - Unobligated End-of-Year, Expiring								
Total Direct Requirements		44,307		44,578		25,842		(18,736)

**FY 2014
Congressional Budget
Submission**

**Administrative
Review and Appeals**

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I. Overview of the Executive Office for Immigration Review

The fight against terrorism remains the top enforcement priority of the Department of Justice and the Administration. A key component of this effort is the securing of our Nation's borders. More than ever, protecting America requires a multifaceted strategy which must include the effective coordination of investigative, enforcement, legal and adjudicative resources, both within the Department and in concert with other agencies. The application and enforcement of our immigration laws remains a critical element of this national effort.

1. Introduction

On March 1, 2003, the Immigration and Naturalization Service was abolished, its functions transferred to the new Department of Homeland Security (DHS). However, the Attorney General retained significant authority over the interpretation and application of the Nation's immigration laws. As such, the immigration adjudications and litigation functions remained within the Department of Justice.

The Department's adjudication of immigration cases is performed by the Executive Office for Immigration Review (EOIR).

On behalf of the Attorney General and exercising his delegated authority, the mission of EOIR is to provide the timely and uniform interpretation and application of immigration law, ensuring due process and fair treatment for all parties involved.

The Executive Office for Immigration Review's FY 2014 request is \$329,569,000, 1,793 positions and 1,464 FTE workyears. The request is offset by \$4,000,000 to be transferred to EOIR from Immigration Examination Fees collected by the DHS.

The EOIR request includes a total program increase of \$25,000,000 tied to priority initiatives, as detailed below:

Coordination with DHS Enforcement Initiatives: \$17,000,000, including 211 positions (45 attorneys) to add 30 Immigration Judge Teams and 15 Board of Immigration Appeals attorneys. This will allow EOIR to better coordinate with DHS enforcement efforts and adjudicate core cases annually.

Legal Orientation Program (LOP): \$4,000,000 to expand EOIR's highly successful LOP. The program educates detained aliens as to EOIR immigration proceedings, allowing them to make more informed decisions earlier in the adjudication process, thereby increasing efficiencies for both EOIR courts and DHS detention programs. The request will add 12 additional sites to the 26 currently operating, 24 of which are in detention settings and responds to increasing demand, as well as the expansion goals articulated by DHS, the Administration, and many members of congress.

Pilot – Innovation Ideas: \$4,000,000 to promote innovation in immigration court efficiency by improving the level and quality of legal representation for vulnerable populations, and protecting children from mistreatment, exploitation and trafficking.

EOIR includes 59 immigration courts located nationwide, the Board of Immigration Appeals (BIA or Board), which hears appeals of immigration judge decisions and certain decisions of officers of the DHS, and an administrative law judge function which adjudicates other immigration-related matters.

While due process and independent decision-making remain the bedrock of any judicial or quasi-judicial function, EOIR cannot and does not operate in a vacuum. The volume, nature, and geographic concentration of DOJ/EOIR immigration caseload relates to government-wide immigration enforcement efforts. The coordination of resource allocation with DHS remains a top challenge and critical goal for EOIR.

An assessment of EOIR's program was conducted in 2006 and resulted in an improvement plan that was executed during the next several years. The improvement plan's first action item was completed when EOIR reassessed its targets to ensure that they were suitably ambitious. While most measures were determined to be suitably ambitious, the BIA did shorten the time frame for completion of detained cases from 180 days to 150 days.

The second action item, which concerns the implementation of digital audio recording (DAR), was fully completed by September, 2010. DAR continues to improve the quality of transcriptions and enhance efficiency in the flow of records between the immigration courts, transcription contractors, and the Board. DAR is now available in all courtrooms nationwide.

The third action item involves expanded training for Immigration Judges and Board legal staff, began in FY 2007 with the revision of numerous legal references materials. In 2008, EOIR expanded training for new Immigration Judges and BIA members to include intensive classroom training on law and procedures; two weeks of observation; and, two weeks of on-the-job training in an immigration court. Periodic training was also conducted on legal and procedural issues for Immigration Judges and Board members. EOIR developed an expanded training program for Immigration Judges and Board legal staff, including the provision of comprehensive reference materials, to ensure that staffs receive continuing education on immigration issues. The agency's efforts in this regard have continued through 2012 and now include an additional week of advanced training for new Immigration Judges, generally taking place a year after their entry-on-duty.

The fourth action item was to expand the Legal Orientation Program (LOP). This program improves efficiencies in immigration court proceedings for detained aliens by increasing awareness of their rights and the process. EOIR expanded the program to 26 sites in recent years.

2. Background

Immigration Courts and Coordination with DHS Enforcement Increases

EOIR's immigration courts represent the Department's front-line presence with respect to the application of immigration law. Cases are received on-site, across the Nation, directly from DHS enforcement personnel. As such, the coordination of resource allocation between DOJ/EOIR and DHS is a critical issue.

EOIR's strategies are two-fold. First, on an on-going basis, EOIR's Office of the Chief Immigration Judge monitors caseload volume, trends and geographic concentration and adjusts resource allocation accordingly. This is done by modifying local dockets, adjusting detail assignments and permanently reassigning judge and staff positions to higher volume courts. This also includes the expansion of the use of video conferencing to hear cases from remote locations. This strategy involves close national and local coordination with DHS immigration enforcement personnel.

EOIR's second strategy involves coordinating initiatives with DHS. Within DHS, Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) include the majority of immigration enforcement programs that generate immigration court caseload. ICE includes immigration detention and removal, intelligence, investigations, legal proceedings and criminal alien programs. CBP includes the Border Patrol and inspections programs. Increases to these DHS programs have an immediate and profound effect upon DOJ/EOIR adjudications. As a key player in the government's immigration initiatives, EOIR's ability to adjudicate increasing caseload in a timely fashion allows the larger system to operate more efficiently, including the effective utilization of increased detention bed space and the DHS resources devoted to criminal and non-criminal alien removal programs.

3. Full Program Costs

EOIR's submission contains specific performance measures. The measures are comprised of performance targets related to criminal aliens and detained aliens, EOIR's top priority cases. EOIR will continue to strive to meet the targets. All costing methodologies, including modular costs, are reflected in the attached financial exhibits.

4. Performance Challenges

Internal Challenges

Prior to the Department's FY 2011 managed hiring freeze, in an effort to address the rising caseload, EOIR was engaged in a critical Immigration Judge hiring effort, strongly supported by the Department, the Administration and Congress to increase the number of Immigration Judges to 305 by the end of FY 2011. EOIR managed to grow the corps of Immigration Judges from the 232 on-board at the start of FY 2010 (October 2009) to a high of 272 by mid-December, 2010. However, the 2011 managed hiring freeze reduced the number of judges on-board, after accounting for attrition. As a result of attrition, EOIR's Immigration Judges have been reduced to 258 as of the end of the third quarter in FY 2012. EOIR expects the number of Immigration Judges is likely to continue to decrease in 2012 and 2013. Over 95 Immigration Judges are eligible to retire in FY 2012 alone, which is one-third of the entire Immigration Judge corps.

External Challenges

EOIR receives virtually all of its workload in the form of cases brought forth by DHS, challenging the legal status and seeking the removal of aliens. It remains critically important to balance EOIR's adjudicative resources with DHS enforcement increases.

EOIR's immigration court caseload has continued to increase as a result of DHS' heightened enforcement efforts. This remains the key challenge for EOIR as courts continue to receive hundreds of thousands of matters for adjudication per year. In 2009, the number of matters the immigration courts received rose 394,000, which was an increase of 17 percent. The record number of court filings received by the immigration courts in 2009 was replicated in 2010 with 394,000 filings, and 2011, when filing rates exceeded 430,000 matters. As a consequence, the number of matters pending adjudication rose from 229,000 at the end of FY 2009 to approximately 330,000 by the end of the first quarter of FY 2013, an increase of over 101,000 matters. This represents a 44% increase in matters pending adjudication from the beginning of FY 2010 to the first quarter of FY 2013. Additionally, BIA's sustained level of over 30,000 appeals per year is an extremely large volume for any appellate body.

The priority necessarily placed upon the adjudication of detained cases has implications for the non-detained side of court dockets. Immigration court cases are now routinely scheduled unacceptably far into the future. There are 22 courts scheduling cases through calendar year 2014 and beyond. Three immigration courts are scheduling cases into 2016, 2017, and 2018 respectively. Unless EOIR receives the additional program increases, the agency can only conclude that matters pending adjudication will continue to rise and inevitable that court dockets will be established even further into the future.

In June 2010, DHS announced its civil immigration enforcement priorities pertaining to the apprehension, detention, and removal of aliens. Those priorities focus on national security, public safety, and border security. EOIR anticipates that this emphasis on the removal of criminal aliens and others who pose a threat to public safety will continue.

Overview for the Office of the Pardon Attorney

For FY 2014, the Office of the Pardon Attorney (OPA) requests a total of \$3,578,000, 18 FTE, and 22 positions, of which eleven are attorneys, to achieve its mission of advising and assisting the President in the exercise of the pardon power conferred on him by Article II, Section 2 of the Constitution. This request includes a total program increase of \$800,000, 4 FTE, and seven positions, of which four are attorneys. Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet by using the Internet address:
<http://www.justice.gov/02organizations/bpp.htm>.

1. Introduction

For over 100 years, the President has requested and received the assistance of the Attorney General and his designees in the Department of Justice in exercising his clemency power with regard to persons who have committed offenses against the United States. Within the Department, OPA is the component assigned to carry out this function under the direction of the Deputy Attorney General. The long-standing role of Departmental officials in advising the

remains very high. Given the size of the federal prison population, the elimination of other forms of release such as parole, and the variety of federal crimes subject to mandatory minimum sentences, it is very unlikely that the numbers of commutation submissions will decline in any significant degree in the near term.

OPA is obliged to process all applications it receives from persons who are eligible to seek executive clemency from the President, and thus has no control over the size of its caseload. Accordingly, the office has strived over the last several years to improve its case processing efficiency in order to keep pace with its substantially increased workload. To this end, OPA has greatly increased its use of electronic communication to streamline its contacts with other agencies inside and outside the Department of Justice for information, enhanced its web site to make readily available to the public a wealth of information about the clemency process, and in FY 2012 brought on-line a new, automated case tracking and processing system to replace a system that had been created in the late 1980's. These efficiencies, however, can only go so far. The additional staff and resources requested for FY 2014 are essential to enable OPA to timely provide the President with the best information on which to base fair and just decisions in the thousands of clemency cases that are filed each year.

President on clemency matters is reflected in various public record documents dating to the late 19th century. Moreover, since at least 1898, Presidents have adopted advisory rules to describe their programs for processing clemency applications and their directions to the Attorney General in carrying out the Department's clemency advisory functions. The rules, which govern OPA's work but do not bind the President, are approved by the President and published by the Attorney General. The current version of the administrative rules was promulgated in October 1993 and amended in August and September 2000. They are published in 28 C.F.R. §§ 1.1 to 1.11 and are also available on OPA's web site at <http://www.justice.gov/pardon/clemency.htm>.

The two principal forms of clemency sought by applicants are pardon after completion of sentence and commutation (reduction) of a sentence being served. The standards by which clemency applications are evaluated in connection with the preparation of the Department's letters of advice to the President have been utilized for decades and likewise are publicly available on OPA's web site at <http://www.justice.gov/pardon/petitions.htm>.

2. Program Description

The primary function of OPA is to receive, review, and investigate clemency applications and prepare the recommendation of the Department of Justice as to the appropriate disposition of each application for the signature of the Deputy Attorney General. In addition, OPA responds to inquiries concerning clemency petitions and the clemency process from applicants, their representatives, members of the public, Members of Congress, and various federal, state, and local officials and agencies; prepares all necessary documents to effect the President's decision to grant clemency; and notifies each clemency applicant of the President's decision concerning his clemency request. When asked to do so, OPA also provides general advice to the White House concerning clemency procedures and the historical background of clemency matters.

3. Challenges

The office's workload has increased dramatically over the last two decades, and in particular over the last five fiscal years. Between FY 1990 and FY 1998, OPA averaged 572 new case filings per year. In every fiscal year since FY 1999, however, OPA has received at least 1,000 clemency applications for processing, and since FY 2008, new filings have amounted to approximately 2,000 cases annually. Indeed, in FYs 2008 and 2009, new filings substantially exceeded 2,000. In FY 2008, OPA received 555 pardon petitions and 1,770 petitions for commutation of sentence for a total of 2,325 new cases, a number that set a record at that time for the most petitions submitted in any fiscal year since FY 1900. That record was surpassed in FY 2009, when the office received 666 petitions for pardon and 1,955 petitions for commutation, for a total of 2,621 new cases. In FY 2012, OPA received 1,930 new petitions (383 pardon requests and 1,547 commutation requests). In the first five months of FY 2013, OPA has received 143 pardon applications and 866 commutation applications, for a total of 1,009 new petitions filed thus far in the fiscal year.

The large caseload of the last several fiscal years has presented a continuing challenge to OPA's small staff, and the trend of receiving approximately 2,000 new cases per year is very likely to continue for the foreseeable future. The number of pardon applications submitted remains steady, due in large part to the many civil disabilities that flow from felony convictions. Although the number of commutation filings has retreated somewhat from the historic levels of the immediate past, the volume of such petitions submitted for the President's consideration

II. Summary of Program Changes

Item Name	Description				Page
		Pos.	FTE	Dollars (\$000)	
Coordination with DHS Enforcement Initiatives	Addition of 30 new Immigration Judge Teams	211	105	\$17,000	
Legal Orientation Program	Expansion of twelve additional LOP sites to meet increased program demand	0	0	4,000	
Pilot – Innovative Ideas	Improve the level and quality of legal representation for vulnerable populations.	0	0	4,000	
Pardons and Commutations	To fund the hiring of additional staff, including four attorneys, to achieve OPA's mission of timely advising and assisting the President in the exercise of the executive clemency power	7	4	800	
Total, ARA		218	109	25,800	

The EOIR request includes a total program increase of \$25,000,000 tied to priority initiatives, as detailed below:

Coordination with DHS Enforcement Initiatives: \$17,000,000, including 211 positions (45 attorneys) to add 30 Immigration Judge Teams and 15 Board of Immigration Appeals attorneys. This will allow EOIR to better coordinate with DHS enforcement efforts and adjudicate core case annually.

Legal Orientation Program (LOP): \$4,000,000 to expand EOIR's highly successful LOP. The program educates detained aliens as to EOIR immigration proceedings, allowing them to make more informed decisions earlier in the adjudication process, thereby increasing efficiencies for both EOIR courts and DHS detention programs. The request will add 12 additional sites to the 26 currently operating, 24 of which are in detention settings and respond to increasing demand, as well as the expansion goals articulated by DHS, the Administration, and many members of congress.

Pilot – Innovation Ideas: \$4,000,000 to promote innovation in immigration court efficiency, improves the level and quality of legal representation for vulnerable populations, and protect children from mistreatment, exploitation and trafficking.

III. Appropriations Language and Analysis of Appropriations Language

Appropriations Language

Administrative Review and Appeals (Including Transfer of Funds)

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, \$333,147,000, of which \$4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the "Immigration Examinations Fee" account; Provided, That of the total amount appropriated:

- (1) \$5,000,000 is for Executive Office for Immigration Review information technology systems and shall remain available until expended;*
- (2) \$10,000,000 is for the Executive Office for Immigration Review's Legal Orientation Program; and*
- (3) \$4,000,000 is for the Executive Office for Immigration Review to develop, implement and evaluate a pilot program to provide counsel for unaccompanied alien children; Provided, That such pilot program shall be carried out in consultation with the Department of Health and Human Services, the Department of Homeland Security and relevant non-governmental organizations and experts.*

Analysis of Appropriations Language

New language is proposed to provide the Executive Office for Immigration Review with no-year carryover authority of up to \$5 million for the eWorld document management system initiative, to specify funding for LOP, and to establish the pilot program as described above.

IV. Program Activity Justification

A. Executive Office for Immigration Review (EOIR)

EOIR TOTAL	Perm. Pos.	FTE	Amount
2012 Enacted	1,582	1,435	302,275
2013 Continuing Resolution (with 0.612% Increase)	0	0	304,125
Base and Technical Adjustments	0	0	444
2014 Current Services	1,582	1,359	304,569
2014 Program Increases	211	105	25,000
2014 Program Offsets	0	0	0
2014 Request	1,793	1,464	329,569
Total Change 2012-2014	211	29	27,294

EOIR - Information Technology Breakout (of Decision Unit Total)	Perm. Pos.	FTE	Amount
2012 Enacted	33	33	33,169
2013 Continuing Resolution	0	0	0
2013 Continuing Resolution 0.612% Increase	33	33	33,169
Base and Technical Adjustments	0	0	0
2014 Current Services	33	33	32,324
2014 Program Increases	0	0	0
2014 Program Offsets	0	0	0
2014 Request	33	33	32,324
Total Change 2012-2014	0	0	-155

1. Program Description

EOIR is comprised of the Office of the Director and three adjudicative components.

Board of Immigration Appeals – Under the direction of the Chairman, the BIA hears appeals of decisions of Immigration Judges and certain decisions of officers of the DHS in a wide variety of proceedings in which the Government of the United States is one party and the other party is an alien, a citizen, or a transportation carrier. The BIA is directed to exercise its independent judgment in hearing appeals for the Attorney General, and provides a nationally uniform application of the immigration laws, both in terms of the interpretation of the law and the exercise of the significant discretion vested in the Attorney General. The majority of cases before the BIA involve appeals from orders of EOIR's Immigration Judges entered in immigration proceedings.

Appeals of decisions of DHS officers, reviewed by the BIA, involve principally appeals from familial visa petition denials and decisions involving administrative fines on transportation carriers. The BIA also renders decisions on applications by organizations that have requested permission to practice before the BIA, the Immigration Judges, and DHS, and renders decisions on individual applications by employees of such organizations.

The BIA mission requires that national policies, as reflected in immigration laws, be identified, considered, and integrated into its decision process. The BIA plays the major role in interpreting the immigration laws of this country, an area of law the courts have characterized as uniquely complex. Processing a high-volume caseload has been a challenging task in a time of almost constant major legislative action in the immigration field. The BIA has provided the principal interpretation of the Immigration Reform Control Act of 1986 (IRCA); the Immigration Amendments of 1988; the Anti-Drug Abuse Act of 1988; the Immigration Act of 1990 (IMMACT 90); the Anti-terrorism and Effective Death Penalty Act of 1996 (AEDPA); the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA); the Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA); the Legal Immigration Family Equity Act of 2000 (LIFE); and, the LIFE Act Amendments of 2000. These laws have represented the most fundamental restructuring of the Immigration and Nationality Act since its enactment in 1952, and have presented a myriad of new issues of statutory construction. The BIA has issued interpretive decisions and has then reinterpreted the Act as the laws have been redrafted.

Office of the Chief Immigration Judge – The Chief Immigration Judge provides overall program direction, articulates policy, and establishes priorities for the Immigration Judges located in 59 courts throughout the United States. Generally, Immigration Judges may order aliens removed or grant relief such as cancellation of removal, suspension of deportation, adjustment of status, asylum or waivers of removability. If the Immigration Judges decide that removability has not been established, they may terminate the proceedings. Bond redetermination hearings are held when an alien in custody seeks release on his or her own recognizance, or a reduction in the amount of the bond.

With respect to criminal alien adjudications, the Institutional Hearing Program (IHP) provides the framework for hearings to determine the immigration status of aliens convicted of offenses who are incarcerated in federal, state and local prisons across the United States. EOIR's IHP is part of the larger Institutional Removal Program, also known as the Criminal Alien Program, operated by the DHS. This program is a central component of a variety of initiatives designed to expedite the removal of criminal aliens and involves close coordination with DHS, the Bureau of Prisons, state and local corrections authorities, and EOIR.

Office of the Chief Administrative Hearing Officer – The Office of the Chief Administrative Hearing Officer (OCAHO) employs Administrative Law Judges (ALJs) appointed pursuant to 5 U.S.C. § 3105 to adjudicate cases arising under Sections 274A, 274B and 274C of the Immigration and Naturalization Act (INA). Section 274A provides for sanctions against employers or entities who: (1) knowingly hire, recruit, or refer for a fee, or continue to employ unauthorized aliens; (2) fail to comply with the employment verification system; or (3) require the execution of an indemnity bond to protect themselves from potential liability for unlawful employment practices. Section 274 B prohibits employment discrimination based on national origin or citizenship status and provides for civil penalties and various remedies. Section 274C provides civil penalties for immigration-related document fraud. Adjudicative proceedings are initiated by complaints filed with the OCAHO and subsequently assigned to ALJs by the Chief Administrative Hearing Officer (CAHO). Complaints are filed by the DHS in section 274A and Section 274C cases and by the Office of Special Counsel (OSC) for Immigration Related Unfair Employment Practices in section 274B cases or by the aggrieved party if OSC declines to file a complaint.

The CAHO may conduct administrative review and, unless the case is certified to the Attorney General, take the final agency action with respect to cases decided by ALJs under Sections 274A and 274C. The CAHO also certifies ALJs who hear Section 274B cases having received the training in employment discrimination matters as required by statute.

2. Performance and Resources Tables

PERFORMANCE AND RESOURCES TABLE

Decision Unit: Executive Office for Immigration Review

DOJ Strategic Goal/Objective 3.4 Adjudicate all immigration cases promptly and impartially in accordance with due process

RESOURCES		Target	Actual		Projected		Changes	Requested (Total)		
TYPE/ STRATEGIC OBJECTIVE	Program Activity	FY 2012	FY 2012		FY 2013 CR		Current Services Adjustments and FY 2014 Program Changes	FY 2014 Request		
			FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		Workload: Immigration Court Matters Received Appeals Received at BIA Immigration Court Matters Pending Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)	402,942	409,231	430,000	5,000	435,000			
			31,854	31,468	32,000	500	32,500			
			319,365	332,929	349,339	34,000	383,339			
	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000		
		1,620	302,275	1,435	302,275	1,359	304,125	105	27,294	
								1,464	329,569	
PERFORMANCE	3.4 Adjudicate Immigration Cases	FY 2012	FY 2012		FY 2013		Current Services Adjustments and FY 2014 Program Changes	FY 2014 Request		
			FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
			FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
			1,620	302,275	1,435	302,275	1,359	304,125	105	27,294
									1,464	329,569
Performance Measure	Immigration Courts Total Matters Completed Total Proceedings Completed IHP Completions Detained Completions		390,000	382,062	400,000	17,500	417,500			
			294,846	289,405						
			3,678	3,670						
			94,868	89,350						
Performance Measure	Board of Immigration Appeals Total Appeals Completed Detained Completions		35,000	36,381	36,000	500	36,500			
			4,646	4,659						
Efficiency Measure	The measures above also serve as EOIR's efficiency measures									

OUTCOME	Immigration Courts % IHP Cases within Time Goal % Detained Cases within Time Goal	87% 89%	87% 86%	85% 85%	83% 85%
	Board of Immigration Appeals % Detained Cases Adjudicated within Time Goal	93%	97%	90%	90%

3. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes

For the immigration courts, EOIR chose two priority case types as performance measures and set the following goals:

- 85% of Institutional Hearing Program (criminal alien) cases completed before release from incarceration
- 85% of detained cases completed within 60 days

In FY 2012, the immigration courts met these two priority targets. These performance measures will continue through FY 2014.

The performance measure for the BIA is:

- 90% of detained appeals adjudicated within 150 days

In FY 2012, the BIA exceeded this target by 7%. This performance measure will continue through FY 2014.

EOIR's adjudication functions are part of the government's broader immigration and border control programs. As such, EOIR's ability to adjudicate cases in a timely fashion allows the larger system to operate more efficiently. This includes the efficient utilization of DHS detention bed spaces. The guarantee of fairness and due process remains a cornerstone of our judicial system. EOIR's role in the provision of relief in meritorious cases, and in the denial of relief in others, helps assure the integrity of the overall process.

To summarize, the FY 2014 target is to complete EOIR's priority adjudications within established timeframes.

b. Strategies to Accomplish Outcomes

Case adjudication is the performance indicator for EOIR. Performance measures (the number of cases completed) have been established for several high priority case types.

EOIR has established case completion goals for the various types of cases that the immigration courts adjudicate, and will continue to reallocate existing resources to the adjudication of priority cases. This includes the adjustment of court dockets to increase the number of calendars devoted to detained cases and increasing the frequency of immigration judge details to federal, state, and local correctional facilities as needed to adjudicate Institutional Hearing Program cases.

Finally, EOIR is moving ahead with its plans to transition from paper to electronic records. When fully implemented, this initiative will improve efficiency throughout the adjudication process, and a higher percentage of EOIR's cases will be adjudicated within target time frames. For example, data from electronically filed documents will be automatically uploaded to EOIR's database, thus decreasing data entry time; electronic Records of Proceedings (ROPs) will be available for simultaneous access by staff who need to use them, eliminating the time spent

waiting for files; and digitally recorded hearings can be made available to transcribers instantly rather than mailing audio tapes back and forth.

Program Activity Justification

B. Office of the Pardon Attorney

<i>Office of the Pardon Attorney</i>	Direct Pos.	Estimate FTE	Amount
2012 Enacted	15	14	2,725
2013 Continuing Resolution	15	14	2,725
2013 Continuing Resolution 0.612% Increase	0	0	17
Base and Technical Adjustments	0	0	36
2014 Current Services	15	14	2,778
2014 Program Increases	7	4	800
2014 Program Offsets	0	0	0
2014 Request	22	18	3,578
Total Change 2012-2014	7	4	853

1. Program Description

The Office of the Pardon Attorney (OPA) receives, reviews, and investigates applications to the President for executive clemency and prepares for the Deputy Attorney General the recommendation of the Department of Justice to the President as to the appropriate disposition of each application. In addition, OPA responds to inquiries concerning clemency from applicants, the public, Members of Congress, and federal, state, and local agencies; prepares all necessary documents to effect the President's decision to grant clemency; and notifies each applicant of the President's decision concerning his clemency request. When asked to do so, OPA also provides general advice to the White House concerning clemency procedures and the historical background of clemency matters.

PERFORMANCE MEASURE TABLE

Decision Unit: Office of the Pardon Attorney

Performance Report and Performance Plan Targets		FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012		FY 2013	FY 2014
		Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Performance Measure	Clemency petitions processed	1,079	1,677	3,135	1,990	2,409	1,500	1,669	1,500	1,700
Performance Measure	Correspondence processed	5,400	5,700	5,700	5,700	**	**	**	**	**
Performance Measure										
Efficiency Measure	Performance measure is efficiency measure									
OUTCOME Measure	Clemency petitions pending at OPA	1,080	1,728	1,214	1,388	895	1,500	1,156	1,500	1,300

N/A = Data unavailable

** OPA ceased tracking correspondence processing as a separate program activity in FY 2011 since it is an auxiliary function in the clemency ca

3. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes

OPA's sole mission is to assist the President in the exercise of the executive clemency function. Accordingly, its performance measure is the number of clemency petitions it processes during a given fiscal year. Its outcome measure is the number of clemency petitions that remain pending in OPA at the end of the fiscal year. In FY 2008, OPA's annual targets for clemency petitions processed and clemency petitions pending were both 1,100 cases. In that year of unprecedented filings (2,325 new petitions), OPA met its target for petitions processed, but missed the target for petitions pending at the end of the fiscal year. Beginning in FY 2009, given the vast increase in its caseload in the preceding fiscal year, OPA modified both its performance measure target and its outcome measure target to 1,500 cases. OPA has managed to meet these annual targets in every fiscal year since FY 2009 despite the exceedingly high cumulative volume of new cases filed during the period FY 2009-2012 (8,631 total cases). With the additional resources requested for FY 2014, OPA expects to be able to increase its case processing efficiency and plans for FY 2014 to increase its annual petition-processing performance target to 1,700 and decrease its annual case-pending outcome target to 1,300 as it begins to bring new staff on board.

b. Strategies to Accomplish Outcomes

With the benefit of the resources funded by the FY 2014 budget request, OPA will allocate most of the new attorney positions to its commutation caseload, which accounts for the majority of the petitions received between FYs 2008-2012. The remaining attorney resources will be assigned to the processing of the pardon caseload. The non-attorney positions will provide support to both aspects of the office's work. With these additional resources, OPA projects that it will be able to significantly increase its case processing efficiency.

V. Program Increases by Item

A. Item Name: Coordination with DHS Enforcement Initiatives

Budget Decision Unit: EOIR

Strategic Goal & Objective: 3.5: Adjudicate all immigration cases promptly and impartially in accordance with due process.

Organizational Program: Immigration Adjudications

Program Increase: Positions 211 Agt/Atty 45 FTE 105 Dollars \$17,000,000

Description of Item

This increase of \$17,000,000 includes 211 positions (45 attorneys) to add 30 Immigration Judge Teams and 15 Board of Immigration Appeals attorneys. This increase will enable EOIR to address the increasing caseload, including our highest priority, the cases of detained individuals .

Justification

ICE estimates that 300,000 to 450,000 criminal aliens, who are potentially removable, are detained each year in federal, state and local prisons and jails nationwide. By partnering with federal, state, county and local law enforcement, and adding technology to share information between agencies, DHS intends to dramatically increase criminal alien removals.

ICE has delineated four key strategic goals for Secure Communities:

- Strategic Goal 1 – Identify and process all criminal aliens amenable for removal while in federal, state and local custody;
- Strategic Goal 2 – Enhance current detention strategies to ensure no removable alien is released into the community due to a lack of detention space or an appropriate alternative to detention;
- Strategic Goal 3 – Implement removal initiatives that shorten the time aliens remain in ICE custody prior to removal, thereby maximizing the use of detention resources and reducing cost; and,
- Strategic Goal 4 – Maximize cost effectiveness and long-term success through deterrence and reduced recidivism.

The identification and removal of criminal aliens is a top priority. EOIR's role in expediting the adjudication of removal proceedings involving criminal aliens will play an integral role in the initiative, by enabling DHS to process those found removable immediately upon completion of their sentences. EOIR's ability to provide timely adjudications will also assist greatly in the efficient use of detention beds, as well as federal, state and local prison and jail space nationwide. As such, EOIR's program increase is made in light of the need to achieve the goals articulated above.

As DHS continues to implement Secure Communities in counties nationwide, and augments other immigration enforcement programs, EOIR's caseload continues to grow. In FY 2009, EOIR received 394,000 immigration court cases and received an additional 394,000 in 2010. In FY 2011, filing rates exceeded 430,000. As a consequence, the number of matters pending adjudication rose from 229,000 at the end of FY 2009 to approximately 330,000 by the end of the first quarter of FY 2013, and increase of over 101,000 matters.

Impact on Performance (Relationship of Increase to Strategic Goals)

This initiative ties directly to Strategic Goal 3.4 and to the Congress and Administration's immigration priorities. The volume and geographic concentration of the additional caseload will depend upon DHS' implementation strategies. However, the expanded DHS programs in federal, state and local prisons will undoubtedly add cases to EOIR's dockets. Because of their existence in detention and prison settings, these cases will have to be adjudicated expeditiously and as a top priority.

B. Item Name: **Legal Orientation Program**

Budget Decision Unit: EOIR

Strategic Goal & Objective: 3.5: Adjudicate all immigration cases promptly and impartially in accordance with due process.

Organizational Program: Immigration Adjudications

Program Increase: Positions 0 Agt/Atty 0 FTE 0 Dollars \$4,000,000

Description of Item

This requested increase will expand the successful Legal Orientation Program and improve efficiencies in immigration court proceedings for detained aliens. This program educates detained aliens as to EOIR immigration proceedings, allowing them to make more informed decisions earlier in the adjudication process, thereby increasing efficiencies for both EOIR courts and DHS detention programs. Evaluation reports have shown that LOP participants complete their immigration court cases in detention on an average of 13 days faster than detainees who do not participate in an LOP. The requested additional funding will respond to elevated demand at existing DHS sites and enable LOP to add 12 additional sites to the 26 already operating, 24 of which are in detention centers.

C. Item Name: Pilot – Innovative Ideas

Budget Decision Unit: EOIR

Strategic Goal & Objective: 3.5: Adjudicate all immigration cases promptly and impartially in accordance with due process.

Organizational Program: Immigration Adjudications

Program Increase: Positions 0 Agt/Atty 0 FTE 0 Dollars \$4,000,000

Description of Item

To promote innovation in immigration court efficiency, improve the level and quality of legal representation for vulnerable populations, and protect children from mistreatment, exploitation and trafficking.

Justification

Immigration law is extremely complex, and the capacity of children to understand their legal proceedings varies greatly. Without counsel, cases may be extended for long periods of time so that the immigration judge can gather necessary information from a child before making a decision in his or her case.

D. Item Name: Pardons and Commutations Increase

Budget Decision Unit(s): Office of the Pardon Attorney

Strategic Goal/Objective: 2.6 Protect the federal fisc and defend the interests of the United States

Organizational Program: Executive clemency advisory program

Component Ranking of Item: 1

Program Increase: Positions 7 Agt/Atty 4 FTE 4 Dollars \$800,000Description of Item

This request to fund seven additional positions, including four attorneys and three support personnel, is intended to enable OPA to manage its substantial caseload that has approximately tripled since its current staffing level was set in the mid-1990's. The additional personnel are required to increase the office's efficiency in reviewing and processing applications for all types of executive clemency and its ability to provide thorough and timely advice to the President to assist his exercise of the constitutional clemency power.

Justification

In the mid-1990's, OPA was authorized 15 FTE and 15 full-time permanent positions, including seven attorneys, to carry out its mission of reviewing and investigating clemency applications and preparing for the Deputy Attorney General the Department of Justice's advice to the President in each clemency case. OPA's authorized staffing level has remained the same since then, but the office's caseload at that time was approximately one-third of the current level. In FY 1995, the office received 612 new petitions; in FY 1996, it received 512 new petitions; in FY 1997, it received 685 new petitions; and in FY 1998, it received 608 new petitions. In FY 1999, 1,009 new clemency petitions were submitted to OPA for processing, and in every fiscal year since that time, new filings have exceeded 1,000 cases. Since FY 2008, new filings have totaled approximately 2,000 per year; in three of the last five fiscal years -- FYs 2008, 2009, and 2010 -- new filings significantly exceeded that number, totaling 2,325, 2,621, and 2,164 new submissions, respectively.

OPA has no control over its caseload and is required to process all clemency petitions it receives from eligible applicants. Furthermore, the complexity of the issues raised by a given clemency petition can vary greatly from case to case. The cumulative effect of such a high volume of new case filings in successive fiscal years has presented a tremendous challenge to the office's staff, particularly since the Pardon Attorney and

Deputy Pardon Attorney also carry significant managerial responsibilities for the office. The four new attorney positions and three new support positions the requested program increase for FY 2014 would support are crucial to enable OPA to keep pace with the large volume of its new filings, increase its productivity, and provide the President with timely and accurate advice.

Funding - EOIRBase Funding

FY 2012 Enacted				FY 2013 CR				FY 2014 Current Services			
Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)
1,582	506	1,435	302,275	1,582	506	1,359	304,125	1,582	506	1,359	304,569

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2014 Request (\$000)	FY 2015 Net Annualization (change from 2013)
Immigration Judge	93	35	3,255	
Language Specialist	34	35	1,190	
Legal Technician	28	35	980	
Clerk	28	35	980	
Law Clerk	41	35	1,435	
Attorney	58	18	1,044	
Paralegal	34	18	612	
Total Personnel	316	211	9,465	

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2014 Request (\$000)	FY 2015 Net Annualization (change from 2013)
Immigration Judge	94	35	3,290	
Language Specialist	22	35	770	
Legal Technician	22	35	770	
Clerk	22	35	770	
Law Clerk	26	35	910	
Attorney	29	18	522	
Paralegal	22	18	396	
Legal Orientation Program			4,000	
Pilot – Innovative Ideas			4,000	
Total Non-Personnel	238	211	15,535	

Total Request for this Item

	Pos	Agt/Atty	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total	FY 2015 Net Annualization (change from 2013)
Current Services	1,582	506	1,359	192,504	112,065	304,569	
Increases	211	53	105	9,465	15,535	25,000	
Decreases	0	0	0	0	0	0	
Grand Total	1,793	559	1,464	201,969	127,600	329,569	

Funding - OPA

Base Funding

FY 2012 Enacted				FY 2013 CR				FY 2014 Current Services			
Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)
15	7	14	2,725	15	7	14	2,742	15	7	14	2,778

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2014 Request (\$000)	FY 2015 Net Annualization (change from 2014) (\$000)
Attorney (GS-14)	\$156	1	\$156	\$78
Attorney (GS-13)	\$145	3	\$435	\$217
Professional Support (GS-12)	\$98	1	\$98	\$38
Paralegal (GS-7)	\$56	2	\$111	\$52
Total Personnel	\$455	7	\$800	\$385

Total Request for this Item

	Pos	Agt/Atty	FTE	Personnel (\$000)	Total (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)
Current Services	15	7	14	\$2,778	\$2,778	
Increases	7	4	4	\$800	\$800	
Grand Total	22	11	18	\$3,578	\$3,578	

B. Sum Requirements

Summary of Requirements
Administrative Review and Appeals
Salaries and Expenses
 (Dollars in Thousands)

	2012 Enacted	Direct Pos.	FY 2014 Request	Estimate FTE	Amount
2013 Continuing Resolution		1,697	1,449		306,000
2013 CR 0.512% Increase					
Total 2013 Continuing Resolution		1,697	1,373		306,000
Technical Adjustments					
Adjustment - 2013 CR 0.612%					
DHS Immigration Examination Fee Account		0	0	0	-1,867
Total Technical Adjustments		0	0	0	-1,867
Base Adjustments					
Transfers:					
DHS Immigration Examination Fee Account					
JCON and JCON S/TS					4,000
Office of Information Policy (OIP)					711
Professional Responsibility Advisory Office (PRAO)					-128
Pay and Benefits		0	0	0	-174
Domestic Rent and Facilities		0	0	0	2,052
Total Base Adjustments		0	0	0	-114
Total Technical and Base Adjustments		0	0	0	6,347
2014 Current Services					
Program Changes		1,697	1,373		498
Increases:					
Coordination with DHS Enforcement Initiatives					
Legal Orientation Program		211	105		307,347
Pilot - Innovative Ideas		0	0		17,000
Pardons and Commutations		0	0		4,000
Subtotal Increases		211	105		4,000
Total Program Changes		211	105		800
2014 Total Request		2,118	1,482		26,600
2014 Total Request (with Balance Rescission)		1,816	1,482		333,147
2012 - 2014 Total Change		218	142	33	28,147

Note: The FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

B. Summary of Requirements

Summary of Requirements
Administrative Review and Appeals
Salaries and Expenses
(Dollars in Thousands)

Program Activity	2012 Appropriation Enacted			2013 Continuing Resolution *			2014 Technical and Base Adjustments			2014 Current Services		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
EOIR	1,592	1,435	302,275	1,592	1,359	304,125	0	0	444	1,592	1,359	304,569
OPA	15	14	2,725	15	14	2,742	0	0	36	15	14	2,778
Total Direct	1,607	1,449	305,000	1,607	1,373	306,867	0	0	480	1,607	1,373	307,347
Balance Rescission			0			0			0			0
Total Direct with Rescission			305,000			306,867			480			307,347
Reimbursable FTE												
Total Direct and Reimb. FTE		1,449			1,373						1,373	
Other FTE												
LEAP		0			0						0	
Overtime												
Grand Total, FTE		1,449			1,373						1,373	

Program Activity	2014 Increases			2014 Offsets			2014 Request		
	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
EOIR	211	105	25,000	0	0	0	1,793	1,464	328,569
OPA	7	4	800	0	0	0	22	18	3,578
Total Direct	218	109	25,800	0	0	0	1,815	1,482	332,147
Balance Rescission			0			0			0
Total Direct with Rescission			25,800			0			332,147
Reimbursable FTE						0			0
Total Direct and Reimb. FTE		109				0		1,482	
Other FTE						0			0
LEAP		0			0				0
Overtime						0			0
Grand Total, FTE		109			0			1,482	

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101(c)).

FY 2014 Program Increases/Offsets by Decision Unit
Administrative Review and Appeals
Salaries and Expenses
(Dollars in Thousands)

Program Increases	Location of Description by Program Activity	Executive Office for Immigration Review				Total Increases			
		Direct Pos.	Ag'l / Aty.	Est. FTE	Amount	Direct Pos.	Ag'l / Aty.	Est. FTE	Amount
Coordination with DHS Enforcement Initiatives	EOIR	211	45	105	17,000	211	45	105	17,000
Legal Orientation Program	EOIR	0	0	0	4,000	0	0	0	4,000
Pilot - Innovation Ideas	EOIR	0	0	0	4,000	0	0	0	4,000
Pardons and Commutations	OPA	7	4	4	800	7	4	4	800
Total Program Increases		218	49	109	25,800	218	49	109	25,800

D. Resources by DOJ Strategic Goal and Strategic Objective

Resources by Department of Justice Strategic Goal/Objective
Administrative Review and Appeals
Salaries and Expenses
(Dollars in thousands)

101-101

Strategic Goal and Strategic Objective	2012 Appropriation Resolution			2013 Continuing Resolution *			2014 Current Services			2014 Increases			2014 Offsets			2014 Total Request		
	Direct Reimb	Amount	FTE	Direct Reimb	Amount	FTE	Direct Reimb	Amount	FTE	Direct Reimb	Amount	FTE	Direct Reimb	Amount	FTE	Direct Reimb	Amount	FTE
Goal 2 Prevent Crime, Protect the Rights of the American People, and enforce Federal Law	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2.1 Combat the threat, incidence, and prevalence of violent crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2.2 Prevent and intervene in crimes against vulnerable of violent crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2.3 Combat the threat, trafficking, and use of illegal drugs and the threat of kidnapping	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2.4 Combat terrorism, economic crimes, and international organized crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2.5 Promote and protect Americans' civil rights	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2.6 Protect the federal fisc and defend the interests of the United States	14	2,725	14	2,742	14	2,778	14	2,778	14	800	4	800	0	0	0	18	3,578	18
Subtotal, Goal 2	14	2,725	14	2,742	14	2,778	14	2,778	14	800	4	800	0	0	0	18	3,578	18
Goal 3 Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal and International Levels	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3.1 Provide and strengthen strategies for the administration of justice with state, local, tribal and international law enforcement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3.2 Protect judges, witnesses, and other participants in federal proceedings; apprehend fugitives; and ensure the appearance of criminal defendants for judicial proceedings or confinement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3.3 Provide for the safe, secure, humane, and cost-effective confinement of detainees awaiting trial, sentencing, and appeals; and ensure the safety and security of the Federal Prison System	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3.4 Adjudicate all immigration cases promptly and impartially in accordance with due process	1,435	302,275	1,359	304,125	1,359	304,569	1,359	304,569	105	25,000	0	25,000	0	0	0	1,464	325,569	1,464
Subtotal, Goal 3	1,435	302,275	1,359	304,125	1,359	304,569	1,359	304,569	105	25,000	0	25,000	0	0	0	1,464	325,569	1,464
TOTAL	1,449	305,000	1,373	306,867	1,373	307,347	1,373	307,347	109	25,000	0	25,000	0	0	0	1,482	335,127	1,482

Note: Excludes Balance Rescission and/or Supplemental Appropriations.

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

Justifications for Technical and Base Adjustments
Administrative Review and Appeals
Salaries and Expenses
(Column in Thousands)

	Direct Pos.	Estimate FTE	Amount
Technical Adjustments			
1 Adjustment - 2013 CR 0.812%; At 15.75 section 101 (c) provided 0.612% across the board increase above the current rate for the 2013 CR funding level. This adjustment reduces the amount.	0	0	-1,867
2 Transfer from Immigration Examination Fees collected by the DHS	0	0	-4,000
Transfers			
1 DHS Immigration Examination Fee Account	0	0	-5,657
2 JCON and JCON STS	0	0	4,000
3 Office of Information Policy (OIP)	0	0	7,121
4 Professional Responsibility Advisory Office (PRAO)	0	0	-178
Pay and Benefits			
1 2014 Pay Rate	0	0	-174
This request provides for a proposed 1 percent pay raise to be effective in January of 2014. The amount requested, \$1,272,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$904,000 for pay and \$368,000 for benefits)	0	0	4,409
2 Annualization of 2013 Pay Rate			
This pay annualization represents first quarter amounts (October through December) of the 2013 pay increase of 0.5% included in the 2013 pay request. The amount requested \$225,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$			1,287
160,000 for pay and \$65,000 for benefits).			
3 Employee Compensation Fund			
The \$365,000 request reflects anticipated changes in payments to the Department of Labor for injury benefits under the Federal Employee Compensation Act.			228
4 Health Insurance			
Effective January 2014, the component's contribution to Federal employees' health insurance increases by 44 percent. Applied against the 2013 estimate of \$676,000, the additional amount required is \$300,000			-26
5 Retirement			
Component contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Social Security Administration's estimate, CSRS to FERS at a rate of 1.3 percent per Department of Justice Agency estimate, the amount required is \$304,000. The request for \$304,000 is necessary to meet our increased retirement obligations as a result of this year. The requested increase of \$256,000 is necessary to meet our increased retirement obligations as a result of this conversation.			304
Domestic Rent and Facilities			
1 Capital Expenses	0	0	259
This request provides for the component of Homeland Security (DHS) Federal Protective Service charges, Justice Protective Service charges and other security services across the country. The requested increase of \$470,000 is required to meet these commitments.	0	0	2,032
2 Mixed Lease Encumbrance			
GSA requires all agencies to pay relocation costs associated with lease operations. This request provides for the costs associated with new office relocation caused by the expiration of leases in FY 2014			469
TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS	0	0	-563
Subtotal, Domestic Rent and Facilities	0	0	-110
Subtotal, Pay and Benefits	0	0	469

F. Crosswalk of 2012 Availability

Crosswalk of 2012 Availability
Administrative Review and Appeals
Salaries and Expenses
(Dollars in Thousands)

Program Activity	2012 Appropriation Enacted w/o Balance Recission			Balance Recission			Reprogramming/Transfers			Carryover		Recoveries/ Refunds		2012 Actual		
	Direct Pos	Actual FTE	Amount	Direct Pos	Actual FTE	Amount	Direct Pos	Actual FTE	Amount	Amount	Amount	Amount	Amount	Direct Pos	Actual FTE	Amount
EOIR	1,582	1,435	302,275	0	0	0	0	0	0	0	0	0	0	1,582	1,435	302,275
OPA	0	0	2,725	0	0	0	0	0	0	0	0	0	0	0	14	2,725
Total	1,582	1,435	305,000	0	0	0	0	0	0	0	0	0	0	1,582	1,449	305,000
Reimbursable FTE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Direct and Reimb. FTE	1,582	1,435	305,000	0	0	0	0	0	0	0	0	0	0	1,582	1,449	305,000
Other FTE:																
LEAP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Overline	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Grand Total, FTE	1,582	1,449	305,000	0	0	0	0	0	0	0	0	0	0	1,582	1,449	305,000

Crosswalk of 2013 Availability
 Administrative Review and Appeals
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2013 Continuing Resolution			Supplemental Appropriation		Reprogramming/Transfers			Carryover		Recoveries/Refunds		2013 Availability		
	Direct Pos.	Estim. FTE	Amount	Amount		Direct Pos.	Estim. FTE	Amount	Amount		Amount		Direct Pos.	Estim. FTE	Amount
EOIR	1,582	1,359	304,125	0	0	0	0	0	0	0	0	0	1,582	1,359	304,125
OPA	15	14	2,742	0	0	0	0	0	0	0	0	0	15	14	2,742
Total Direct	1,597	1,373	306,867	0	0	0	0	0	0	0	0	0	1,597	1,373	306,867
Balance Rescission															0
Total Direct with Rescission			306,867												306,867
Reimbursable FTE															
Total Direct and Reimb. FTE		1,373					0		0	0				1,373	
Other FTE:															
LEAP		0					0		0	0				0	
Overtime		0					0		0	0				0	
Grand Total, FTE		1,373					0		0	0				1,373	

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

H. Summary of Reimbursable Resources

2011-12

Summary of Reimbursable Resources
Administrative Review and Appeals
Salaries and Expenses
(Dollars in Thousands)

Collections by Source	2012 Actual			2013 Planned			2014 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
ATF	0	0	20	0	0	0	5	0	0	5	0	0
USArmy Legal Service Agency	0	0	1	0	0	0	0	0	0	0	0	0
BOP	0	0	11	0	0	0	0	0	0	0	0	0
Special Projects Fund	0	0	125	0	0	0	0	0	0	0	0	0
OARM	0	0	3	0	0	0	0	0	0	0	0	0
Budgetary Resources	0	0	160	0	0	0	5	0	0	5	0	0

I. Det: Permanent Positions by Category

Detail of Permanent Positions by Category
 Administrative Review and Appeals
 Salaries and Expenses
 (Dollars in Thousands)

Category	2012 Appropriation Enacted		2013 Continuing Resolution		ATBs	Program Increases	2014 Request		Total Direct Pos.	Total Reimb. Pos.
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.			Program Offsets	Pos.		
Miscellaneous Operations (010-099)	0	0	0	59	0	0	0	59	0	0
Security Specialists (080)	7	0	7	7	0	0	0	7	7	0
Intelligence Series (132)	0	0	0	0	0	0	0	0	0	0
Personnel Management (200-299)	22	0	15	15	0	0	0	0	0	0
Clerical and Office Services (300-399)	420	0	206	206	0	0	60	266	135	0
Clerical and Office Services (300-399) - OPA	3	0	3	3	0	0	1	4	4	0
Accounting and Budget (500-599)	6	0	6	6	0	0	0	5	5	0
Attorneys (905)	506	0	530	530	0	0	45	575	575	0
Attorneys (905) - OPA	7	0	7	7	0	0	4	11	11	0
Paralegals / Other Law (900-998)	488	0	459	459	0	0	45	504	504	0
Paralegals / Other Law (900-998) - OPA	5	0	5	5	0	0	2	7	7	0
Information & Arts (1000-1099)	101	0	86	86	0	0	30	116	116	0
Business & Industry (1100-1199)	5	0	4	4	0	0	0	4	4	0
Library (1400-1499)	1	0	1	1	0	0	0	1	1	0
Equipment/Facilities Services (1600-1699)	0	0	0	0	0	0	0	0	0	0
Miscellaneous Inspectors Series (1802)	0	0	0	0	0	0	0	0	0	0
Criminal Investigative Series (1811)	0	0	0	0	0	0	0	0	0	0
Supply Services (2000-2099)	1	0	2	2	0	0	0	2	2	0
Information Technology Mgmt. (2210)	25	0	20	20	0	0	0	20	20	0
Ungraded	0	0	187	187	0	0	31	218	218	0
Total	1,597	0	1,597	0	0	218	0	1,815	0	0
Headquarters (Washington, D.C.)	552	0	552	0	0	61	0	613	613	0
U.S. Field	1,045	0	1,045	0	0	157	0	1,202	1,202	0
Foreign Field	0	0	0	0	0	0	0	0	0	0
Total	1,597	0	1,597	0	0	218	0	1,815	0	0

Financial Analysis of Program Changes
Administrative Review and Apprais
Grades Category 2
(Dollars in Thousands)

Grades	ASBA												Pardon and Commutations		Total Program Changes	
	Coordination with DHS Enforcement Initiatives				Legal Orientation Program				Pilot - Innovation Ideas							
	Direct	Amount	Indirect	Amount	Direct	Amount	Indirect	Amount	Direct	Amount	Indirect	Amount				
LJ-14	30	4,365	0	0	0	0	0	0	0	0	0	0	30	4,365	0	0
GS-15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
GS-14	15	1,422	0	0	0	0	0	0	0	0	0	0	15	1,422	0	0
GS-13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
GS-12	0	1,883	0	0	0	0	0	0	0	0	0	0	0	0	0	0
GS-11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
GS-10	30	2,335	0	0	0	0	0	0	0	0	0	0	30	2,335	0	0
GS-9	45	2,336	0	0	0	0	0	0	0	0	0	0	45	2,336	0	0
GS-8	60	2,545	0	0	0	0	0	0	0	0	0	0	60	2,545	0	0
GS-7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
GS-6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
GS-5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ungraded	211	14,930	0	0	0	0	0	0	0	0	0	0	211	14,930	0	0
Total Positions and Annual Amount	391	26,083	0	0	0	0	0	0	0	0	0	0	391	26,083	0	0
11.5 Other Personnel Compensation	-106	-7,310	0	0	0	0	0	0	0	0	0	0	-106	-7,310	0	0
Total FTEs and Personnel Compensation	106	7,310	0	0	0	0	0	0	0	0	0	0	106	7,310	0	0
21.0 Travel and Transportation of Persons	0	2,155	0	0	0	0	0	0	0	0	0	0	0	2,155	0	0
22.0 Transportation of Things	0	124	0	0	0	0	0	0	0	0	0	0	0	124	0	0
23.1 Rental Payments to GSA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
23.3 Communications, Utilities, and Miscellaneous Charges	0	511	0	0	0	0	0	0	0	0	0	0	0	511	0	0
24.0 Printing and Reproduction	0	20	0	0	0	0	0	0	0	0	0	0	0	20	0	0
25.1 Advisory and Assistance Services	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
25.2 Other Services from Non-Federal Sources	0	4,000	0	0	0	0	0	0	0	0	0	0	0	4,000	0	0
25.3 Other Goods and Services from Federal Sources	0	1,757	0	0	0	0	0	0	0	0	0	0	0	1,757	0	0
25.4 Other Goods and Services from Federal Sources	0	944	0	0	0	0	0	0	0	0	0	0	0	944	0	0
25.5 Research and Development Contracts	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
25.6 Medical Care	0	15	0	0	0	0	0	0	0	0	0	0	0	15	0	0
25.7 Operation and Maintenance of Equipment	0	1,312	0	0	0	0	0	0	0	0	0	0	0	1,312	0	0
26.0 Supplies and Materials	0	192	0	0	0	0	0	0	0	0	0	0	0	192	0	0
Total Program Change Requests	106	17,000	0	0	0	0	0	0	0	0	0	0	106	17,000	0	0
21.0 Equipment	196	25,930	0	0	0	0	0	0	0	0	0	0	196	25,930	0	0

still.

K. Summary of Requirements by Grade

Summary of Requirements by Grade
 Administrative Review and Appeals
 Salaries and Expenses
 (Dollars in Thousands)

Grades and Salary Ranges		2012 Enacted		2013 Continuing Resolution		2014 Request		Increase/Decrease	
		Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount
SES/SL	\$ 119,554 - 179,700	22	0	22	0	22	0	0	0
IJ 1-4	\$ 124,263 - 165,300	277	0	261	0	291	0	30	0
AL-03	\$ 129,065 - 165,300	1	0	1	0	1	0	0	0
GS-15	\$ 123,758 - 155,500	186	0	188	0	188	0	0	0
GS-14	\$ 105,211 - 136,771	76	0	108	0	109	0	1	0
GS-13	\$ 89,033 - 115,742	117	0	74	0	92	0	18	0
GS-12	\$ 74,872 - 97,333	199	0	174	0	175	0	1	0
GS-11	\$ 62,467 - 81,204	49	0	52	0	83	0	31	0
GS-10	\$ 56,857 - 73,917	42	0	56	0	56	0	0	0
GS-9	\$ 51,630 - 67,114	67	0	44	0	88	0	44	0
GS-8	\$ 46,745 - 60,765	279	0	273	0	273	0	0	0
GS-7	\$ 42,209 - 54,875	38	0	43	0	105	0	62	0
GS-6	\$ 37,983 - 49,375	35	0	35	0	35	0	0	0
GS-5	\$ 37,075 - 44,293	69	0	18	0	18	0	0	0
GS-4	\$ 30,456 - 39,590	62	0	44	0	44	0	0	0
GS-3	\$ 27,130 - 35,269	33	0	9	0	9	0	0	0
GS-2	\$ 24,865 - 31,292	19	0	7	0	7	0	0	0
GS-1	\$ 22,115 - 27,663	5	0	1	0	1	0	0	0
Ungraded		21	0	187	0	218	0	31	0
Total, Appropriated Positions		1,597	0	1,597	0	1,815	0	218	0
Average SES Salary			172,276		173,137		168,855		
Average IJ Salary			161,103		161,818		162,615		
Average GS Salary			78,519		78,912		83,349		
Average GS Grade			12		12		12		

L. Summary of Requirements by Object Class

Summary of Requirements by Object Class
Administrative Review and Appeals
Salaries and Expenses
(Dollars in Thousands)

Object Class	2012 Actual		2013 Availability *		2014 Request		Increase/Decrease	
	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	FTE	Amount
11.1 Full-Time Permanent	1,259	129,369	1,224	134,952	1,333	144,084	109	9,132
11.3 Other than Full-Time Permanent	190	12,409	149	12,556	149	12,556	0	0
11.5 Other Personnel Compensation	0	1,740	0	1,745	0	1,745	0	0
Overtime	0	0	0	0	0	0	0	0
Other Compensation	0	0	0	0	0	0	0	0
11.8 Special Personal Services Payments	0	0	0	0	0	0	0	0
Total	1,449	143,518	1,373	148,253	1,482	158,385	109	9,132
Other Object Classes								
12.0 Personnel Benefits		41,220		43,200		46,050		2,850
13.0 Benefits for former personnel		55		55		55		0
21.0 Travel and Transportation of Persons		2,132		2,591		2,828		237
22.0 Transportation of Things		1,834		1,849		1,977		128
23.1 Rental Payments to GSA		33,279		33,479		33,479		0
23.2 Rental Payments to Others		13		281		310		28
23.3 Communications, Utilities, and Miscellaneous Charges		6,242		6,363		6,920		557
24.0 Printing and Reproduction		263		243		262		19
25.1 Advisory and Assistance Services		4,011		4,011		4,011		0
25.2 Other Services from Non-Federal Sources		38,998		34,078		41,951		7,873
25.3 Other Goods and Services from Federal Sources		11,316		11,299		12,014		715
25.4 Operation and Maintenance of Facilities		2,540		2,540		2,540		0
25.5 Research and Development Contracts		0		0		0		0
25.6 Medical Care		183		183		199		16
25.7 Operation and Maintenance of Equipment		14,911		14,910		16,222		1,312
25.8 Subsistence and Support of Persons		0		0		0		0
28.0 Supplies and Materials		2,056		2,125		2,328		203
31.0 Equipment		1,793		387		3,596		3,209
32.0 Land and Structures		0		0		0		0
41.0 Grants, Subsidies, and Contributions		0		0		0		0
42.0 Insurance Claims and Indemnities		53		20		20		0
Total Obligations		304,417		306,867		333,147		26,280
Subtract - Unobligated Balance, Start-of-Year		0		0		0		0
Subtract - Transfers/Reprogramming		0		0		0		0
Subtract - Recoveries/Refunds		0		0		0		0
Add - Unobligated End-of-Year, Available		0		0		0		0
Add - Unobligated End-of-Year, Expiring		583		0		0		0
Total Direct Requirements	0	305,000	0	306,867	0	333,147	0	26,280
Reimbursable FTE	0		0		0		0	
Full-Time Permanent		0		0		0		0
23.1 Rental Payments to GSA (Reimbursable)		0		0		0		0
25.3 Other Goods and Services from Federal Sources - DHS Security (Reimbursable)		0		0		0		0

*The 2013 Availability includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c))

U.S. Department of Justice

FY 2014 PERFORMANCE BUDGET Congressional Justification

Office of the Inspector General



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Appendix A. OIG Statistical Highlights

I. Overview for Office the of the Inspector General

1. Introduction

In FY 2014, the Office of the Inspector General (OIG) requests a total of \$85,845,000, 452 FTE, and 474 positions (of which 139 are Agents and 30 are Attorneys) to investigate allegations of fraud, waste, abuse, and misconduct by Department of Justice (Department) employees, contractors, and grantees and to promote economy and efficiency in Department operations. This request is an increase of \$1,131,000 (approximately 1.32%) over the FY 2013 current rate. This request includes adjustments-to-base of \$701,000.

With these resources, the OIG will be able to sustain the number of quality audits, inspections, investigations, and special reviews it conducts to help assure Congress and the taxpayers that the substantial funding provided to support these Department priorities and infrastructure investments are used efficiently, effectively, and for their intended purposes.

Electronic copies of the Department of Justice Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.justice.gov/02organizations/bpp.htm>

2. Background

The OIG was statutorily established in the Department on April 14, 1989. The OIG is an independent entity within the Department that reports to both the Attorney General and Congress on issues that affect the Department's personnel or operations.

The OIG has jurisdiction over all complaints of misconduct against Department employees in the Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), Federal Bureau of Prisons (BOP), U.S. Marshals Service (USMS), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), U.S. Attorneys' Offices (USAO), Office of Justice Programs (OJP), and other Offices, Boards and Divisions. The OIG investigates alleged violations of criminal and civil law, regulations, and ethical standards arising from the conduct of Department employees in their numerous and diverse activities. The OIG also audits and inspects Department programs and assists management in promoting integrity, economy, efficiency, and efficacy. Appendix A contains a table that provides statistics on recent OIG activities discussed in this budget request. These statistics highlight the OIG's ongoing efforts to conduct wide-ranging oversight of Department programs and operations.

OIG Organization

The OIG consists of the Immediate Office of the Inspector General and the following five divisions and one office:

- Audit Division is responsible for independent audits of Department programs, computer systems, and financial statements. The Audit Division has regional offices in Atlanta, Chicago, Denver, Philadelphia, San Francisco, and Washington, D.C., and a smaller office in Dallas. Its Financial Statement Audit Office and Computer Security and Information Technology Audit Office are located in Washington, D.C. Audit Headquarters consists of the immediate office of the Assistant Inspector General for Audit, Office of Operations, Office of Policy and Planning, and Advanced Audit Techniques.
- Investigations Division is responsible for investigating allegations of bribery, fraud, abuse, civil rights violations, and violations of other criminal laws and administrative procedures governing Department employees, contractors, and grantees. The Investigations Division has field offices in Chicago, Dallas, Denver, Los Angeles, Miami, New York, and Washington, D.C. The Fraud Detection Office is located in Washington, D.C. The Investigations Division has smaller area offices in Atlanta, Boston, Trenton, Detroit, El Paso, Houston, San Francisco, and Tucson. Investigations Headquarters in Washington, D.C., consists of the immediate office of the Assistant Inspector General for Investigations and the following branches: Operations, Operations II, Investigative Support, Research and Analysis, and Administrative Support.
- Evaluation and Inspections Division conducts program and management reviews that involve on-site inspection, statistical analysis, and other techniques to review Department programs and activities and makes recommendations for improvement.
- Oversight and Review Division blends the skills of attorneys, investigators, program analysts, and paralegals to review Department programs and investigate sensitive allegations involving Department employees and operations.
- Management and Planning Division provides advice to OIG senior leadership on administrative and fiscal policy and assists OIG components in the areas of budget formulation and execution, security, personnel, training, travel, procurement, property management, information technology, computer network communications, telecommunications, records management, quality assurance, internal controls, and general support.
- Office of the General Counsel provides legal advice to OIG management and staff. It also drafts memoranda on issues of law; prepares administrative subpoenas; represents the OIG in personnel, contractual, ethics, and legal matters; and responds to Freedom of Information Act requests.

3a. Notable Reviews and Recent Accomplishments

ATF's Operation Fast and Furious

In September 2012, the OIG reviewed ATF's Operation Fast and Furious and Related Matters focused on the Bureau of Alcohol, Tobacco, Firearms and Explosives' (ATF) Operations Wide Receiver and Fast and Furious, and described what the OIG found to be serious failures in the handling of the investigations by both ATF and the U.S. Attorney's Office (USAO) for the District of Arizona, as well as serious failures in the Department's response to Congressional inquiries about these operations. In the course of its review, the OIG identified individuals ranging from line agents and prosecutors in Phoenix and Tucson to senior ATF officials in Washington, D.C., who bore a share of responsibility for ATF's knowing failure in both operations to interdict firearms illegally destined for Mexico, and for pursuing this risky strategy without adequately taking into account the significant danger to public safety that it created. The OIG made six recommendations designed to increase the Department's involvement in and oversight of ATF operations, improve coordination among the Department's law enforcement components, and enhance the Department's wiretap application review and authorization process. The OIG also recommended that the Department review the conduct and performance of the Department personnel identified in the report and determine whether discipline or other administrative action is appropriate.

Report on the Operations of the Voting Section of the Civil Rights Division

On March 12, 2013, the Office of the Inspector General (OIG) released a report examining the operations of the Voting Section of the Civil Rights Division. This review was initiated based upon concerns raised by members of Congress in letters sent to the OIG concerning allegations surrounding the enforcement of voting rights laws by the Department of Justice. A primary focus of the review was to determine how the enforcement priorities of the Voting Section have changed over time and to determine whether the voting rights laws have been enforced in a non-discriminatory fashion. The OIG did not find sufficient evidence to conclude that the decisions made in a variety of cases under the prior and current administrations were based on racial or partisan concerns. However, the report does identify some issues in the handling of a few cases, including the New Black Panther Party matter, that the OIG believes risked undermining public confidence in the non-ideological enforcement of the voting rights laws.

The OIG's investigation also examined several incidents in which deep ideological polarization fueled disputes and mistrust that harmed the functioning of the Voting Section. The report details numerous examples of harassment and marginalization of employees and managers, as well as the unauthorized disclosure of confidential information. The OIG also examined allegations concerning recent partisanship in hiring and in the prioritization of responses to records requests. The OIG did not find sufficient evidence to substantiate these allegations, although the report does identify some areas of concern and makes recommendations for improvements in both areas.

Whistleblower Ombudsperson Appointed

The OIG created a Whistleblower Ombudsperson position, one of the first within the federal government, to enable the OIG to continue its leadership as a strong and independent voice within the Department on whistleblower issues. The efforts of the OIG Whistleblower Ombudsperson will be focused on training and educating employees and managers within the Department about the role and importance of whistleblowers and their protections against retaliation. The Ombudsperson will ensure that whistleblower complaints are reviewed in a timely and thorough fashion, and that whistleblowers are kept appropriately informed about the status and resolution of their complaints. The Ombudsperson will serve as OIG liaison with other agencies, including the Office of Special Counsel, and relevant non-governmental organizations and advocacy groups. An experienced federal prosecutor has been assigned to head up the program within the OIG Front Office, reflecting the importance of whistleblowers in facilitating the OIG's efforts to detect and deter waste, fraud, abuse, and misconduct in Department programs and personnel, and to promote economy and efficiency in its operations.

Counterterrorism

The OIG is conducting an audit of the FBI's Foreign Terrorist Tracking Task Force (FTTTF). The FTTTF was created in October 2001 pursuant to Homeland Security Presidential Directive-2 (HSPD-2). According to HSPD-2, the FTTTF is to coordinate programs with other federal agencies to: (1) deny entry into the United States of aliens associated with, suspected of being engaged in, or supporting terrorist activity; and (2) locate, detain, prosecute, or deport any such aliens already present in the United States. This audit seeks to determine whether: (1) the FBI has implemented a viable FTTTF strategy to locate and track suspected terrorists and their supporters; (2) the FTTTF's coordination with law enforcement and intelligence agencies, as well as other outside entities, has enhanced its abilities; and (3) the FBI has appropriately managed terrorist-related information maintained by the FTTTF.

The OIG is reviewing the FBI's Activities Under Section 702 of the *Foreign Intelligence Surveillance Act Amendments Act of 2008* (Act), which authorizes the targeting of non-U.S. persons reasonably believed to be outside the United States for the purpose of acquiring foreign intelligence information. As required by the Act, the OIG is reviewing the number of disseminated FBI intelligence reports containing a reference to a U.S. person identity, the number of U.S. person identities subsequently disseminated in response to requests for identities not referred to by name or title in the original reporting, the number of targets later determined to be located in the United States, and whether communications of such targets were reviewed. In addition, the OIG is reviewing the FBI's compliance with the targeting and minimization procedures required under the Act.

The OIG is continuing its audit of the FBI's management of terrorist watchlist nominations and encounters with watchlisted subjects. In fiscal years 2008 and 2009, the OIG conducted two audits related to the FBI terrorist watchlist nomination practices. In these audits, the OIG found that the FBI's procedures for processing international terrorist nominations were, at times, inconsistent and insufficient, causing watchlist data used by screening agencies to be incomplete and outdated. The OIG found that the FBI failed to nominate for watchlisting many subjects of its terrorism investigations, did not nominate many others in a timely manner, and did not update or remove watchlist records as required. As a result of these reviews, the FBI reported that it had

undertaken several initiatives and implemented new processes and guidelines to enhance its watchlisting system.

Immigration Review

In October 2012, the Office of the Inspector General (OIG) conducted a review to examine the Department's Executive Office for Immigration Review (EOIR) processing and management of immigration cases and appeals involving foreign-born individuals (aliens) charged with violating immigration laws. Among other duties, EOIR courts are responsible for determining whether aliens charged by the Department of Homeland Security (DHS) with immigration violations should be ordered to be removed from the United States or be granted relief from removal, which would allow them to remain in this country. The OIG found that immigration court performance reports are incomplete and overstate the actual accomplishments of these courts. These flaws in EOIR's performance reporting preclude the Department from accurately assessing the courts' progress in processing immigration cases or identifying needed improvements.

Information Technology Systems, Planning, Implementation, and Security

In September 2012, the Office of the Inspector General (OIG) examined whether the Department and its components effectively managed the personnel security process for individuals hired into DOJ positions. We evaluated the time to complete the personnel security process for government employees, how well the Department meets the timeliness and reciprocity requirements of the *Intelligence Reform and Terrorism Prevention Act of 2004* (IRTPA) and other directives, whether certain positions take longer to process, and whether the Department can ensure that only employees with favorably adjudicated background checks have access to sensitive and National Security Information.

The OIG found that the Department as a whole did not meet the 60-day IRTPA time guideline for processing National Security Information clearances. The time taken to complete the background investigation phase of the process was the primary reason for not meeting the IRTPA timeliness guideline. The oversight of the Department's personnel security processes by the Justice Management Division's Security and Emergency Planning Staff (SEPS) is not sufficient to identify security violations and enforce security policy. Although components track data on the status of employee background investigations, clearance levels, and reinvestigations, the tracking is inconsistent and often incomplete. Further, the field does not always have accurate information on individuals' clearance levels or the status of their investigations. The lack of information makes it difficult to ensure that only individuals with the appropriate clearance level have access to sensitive and classified information. Finally, reciprocity data is inconsistently tracked, not reported, or reported incompletely, which made it impossible to determine whether the Department applies reciprocity consistently.

In September 2012, the OIG issued a report examining the progress made by the FBI on the development and implementation of Project Sentinel, the FBI's new information and investigative case management system. This report – the ninth such OIG report on the Sentinel program – arises out of a congressional requirement that the OIG review the Department's status update reports on the program, the latest of which was received by the OIG on July 9, 2012. In its July report, the Department stated that the FBI made Sentinel available to all users on July 1, 2012, and estimated the cost of Sentinel at \$441 million, which is \$10 million under the latest Sentinel budget of \$451 million. However, the FBI originally planned for the Sentinel budget to

provide for two years of funding for the operation and maintenance of Sentinel once it was fully implemented, and we found that the FBI's \$441 million cost estimate did not include operations and maintenance costs for the next two years, which the FBI estimated to be \$30 million annually. In addition, the OIG audit also found that the FBI continues to operate other IT systems that initially were intended to be subsumed by Sentinel, because the FBI decided not to include certain functionalities originally planned for Sentinel. The OIG plans to conduct a more detailed assessment and report on Sentinel's user functionality in a future report.

Criminal Law Enforcement

In January 2012, the OIG's Chicago Field Office and the OIG's Chicago Regional Audit Office, with assistance from the Social Security Administration, conducted an investigation on the founder and former executive director of Looking for My Sister, a non-profit community organization. The former executive pled guilty to charges of theft of federal program funds in the Eastern District of Michigan, and in a plea agreement agreed to pay restitution in the amount of \$64,514.35 to the Department and \$18,618.50 to the Social Security Administration for using funds to purchase goods and services for herself and for her family members.

On July 23, 2012, Department grant recipients, Executive Director of the Sacred Shield Shelter and Batters Intervention Program and Director of the Sacred Shield Shelter, converted approximately \$170,000 in grant funds for their personal use; the two were issued formal suspension notices from the Procurement Executive at JMD based on an investigation by the OIG's Denver Field Office and the FBI. The two recipients have also been added to the federal Excluded Parties List System (EPLS), which precludes these entities from receiving federal contracts, grant awards, or other forms of federal assistance while under suspension.

The OIG is reviewing the Department's use of the material witness warrant statute, 18 U.S.C. § 3144. Pursuant to the OIG's responsibility under Section 1001 of the Patriot Act, the OIG is investigating whether the Department's post-9/11 use of the statute in national security cases violated civil rights and civil liberties. The OIG is also examining the Department's controls over the use of material witness warrants and trends in the use of material witness warrants over time, as well as issues such as length of detention, conditions of confinement, and access to counsel.

Financial Enforcement

In June 2012, the OIG released a report examining DOJ's implementation and oversight of statutory debarment activities. This report is a companion to the OIG's October 2011 report examining the DOJ's administrative statutory and debarment activities.

Statutory debarment is a tool designed to protect the government's financial interest by ensuring that individuals convicted of qualifying offenses are excluded from receiving certain federal benefits, such as grants, contracts, and loans. Such individuals are reported to the Bureau of Justice Assistance (BJA) by DOJ litigating divisions or by the federal and state courts. The BJA is then responsible for managing this information and communicating it to all government agencies' awarding officials, either directly or through the General Services Administration's Excluded Parties Listing System (EPLS).

The OIG found that statutory exclusions pursuant to 10 U.S.C. § 2408 and 21 U.S.C. § 862 are not completely and accurately reported, aggregated, and shared with the relevant federal agencies

to inform their award decisions. Our review identified multiple deficiencies that contributed to these problems. For example, our review found that not all qualifying cases were submitted to the BJA by DOJ litigating divisions, that relevant litigating components were unaware of the reporting requirements for such cases, and that the BJA had performed only limited outreach to these divisions to ensure that these requirements were met. Nor had the BJA performed any outreach at all to federal and state courts to request cases in which judges had imposed statutory debarment as the result of a relevant offense.

In December 2012, the OIG's audit office reviewed the procurement practices in the United States Marshals Service (USMS) District and Headquarters offices from October 2009 through March 2011, during which time the USMS made 455,000 purchases totaling more than \$521 million. The OIG found that the USMS did not fully comply with federal regulations and departmental policies in its award and administration of procurement actions; its internal controls were not fully effective at ensuring adequate oversight of procurement actions; and its management of vendor purchases did not ensure vendor billings were accurate. Our office made 12 recommendations to the USMS to improve the procurement practices within the USMS, including re-emphasizing the procurement policies and procedures that must be followed; developing a tracking system to monitor the training of all procurement staff; and establishing a process for following up on issues identified during USMS internal reviews.

Detention and Incarceration

In an audit issued in January 2013, the Office of the Inspector General found several inconsistencies and a lack of coordination between the inspection programs of the Office of the Federal Detention Trustee (OFDT) and the United States Marshals Service (USMS), resulting in the inefficient use of resources. The USMS did not consistently ensure that state and local facilities housing federal detainees took corrective action on deficiencies identified during the OFDT's inspections, which resulted in wasted taxpayer dollars and could potentially jeopardize the safety and security of federal detainees.

The audit found that while both the OFDT and USMS used the same basic standards to evaluate the conditions of non-federal detention facilities, these organizations applied the standards differently. As a result, a review by the OFDT typically took 3 days, while a review by the USMS typically took only 2 hours. The OIG review also found that the OFDT and the USMS used different processes to determine which of the approximately 1,100 non-federal detention facilities to review during a given fiscal year, and that neither process incorporated a risk-based assessment to ensure that facilities most in need of review were prioritized.

The American Recovery and Reinvestment Act (ARRA) of 2009

Since the enactment of the Recovery Act in February 2009, the OIG has trained 6,003 federal, state, and local program managers and participants on Recovery Act fraud awareness, conducted 106 outreach sessions with state and local agencies, and initiated 50 audits and reviews of Recovery Act funds. In addition, the OIG is conducting six investigations of allegations pertaining to the Department's Recovery Act programs. During the spring 2012 semiannual reporting period, the OIG issued eight reports on the Recovery Act grant management activities of state and local entities. From enactment of the Recovery Act in February 2009 through September 30, 2012, the Department has obligated more than 99 percent of its \$4 billion in

Recovery Act funds. Moreover, as of September 30, 2012, the Department had expended about 86 percent of its Recovery Act funds.

Hiring Reform

Report on Department's Contractor Personnel Security Processes

On March 8, 2013, the OIG released a report examining the personnel security process for Department contractors. The review found that a significant number of the Department's contractor cases exceeded government-wide timeliness standards and that the Department did not have sufficient policies or procedures in place for components to follow in managing the contractor personnel security process.

For what are considered Public Trust cases, where individuals do not require access to classified information but may be involved in policy making or fill other sensitive roles, nearly 10 percent of the 3,434 cases completed during our review period exceeded the Office of Personnel Management's 90-day standard for adjudications. Because Public Trust contractors generally receive a waiver to start work while their cases are being processed and may work in close proximity to sensitive systems and information, such delays may present a security risk to the Department. Further, the Department did not meet the 60-day *Intelligence Reform and Terrorism Prevention Act of 2004* guidelines for completing National Security Information cases, almost all of which belonged to the Federal Bureau of Investigation (FBI). FBI contract linguists took particularly long to investigate because of their foreign contacts and travel.

The OIG also found that some components did not maintain accurate personnel security information for their contractors and, in some cases, components could not identify all of the contractors working for them. Further, because the Department has not issued a comprehensive security policy, components must frequently seek guidance from the Department on routine contractor security issues. The OIG's report made four recommendations to improve the Department's management of its personnel security process for contractors. The Department and its components concurred with all four recommendations.

In January 2013, the OIG released a report examining whether and how the Department of Justice contacts job applicants' references when making hiring decisions and whether sufficient policy guidance exists to guide hiring officials who conduct reference checks. The OIG found that only 3 of the 39 components have written policies providing hiring officials with clear reference checking guidance that includes position-specific questions and documentation requirements. Although no government-wide requirements exist for reference checking as a part of the hiring process for federal applicants, the Office of Personnel Management (OPM) and the Merit Systems Protection Board (MSPB) encourage agencies to check applicant references for every hiring action.

The OIG made six recommendations to the Justice Management Division to enhance the Department's hiring process by improving the reference checking guidance and the training hiring managers receive. The Justice Management Division indicated its agreement with five of the six recommendations. The Justice Management Division disagreed with the OIG's recommendation to post on the Department's intranet both general reference checking guidance from other government sources as well as official Department guidance on reference checking.

3b. Support for the Department's Savings and Efficiencies Initiatives.

The OIG fully supports and participates in the Department's Savings and Efficiencies Initiatives, including:

- *Increasing the use of self-service online booking for official travel.* For FY 2012, the OIG used online services to book more than 85 percent of its official trips, for savings of approximately \$27,000.
- *Increasing the use of video conferencing to save travel costs.* For FY 2012, the OIG used video conferencing 108 times that resulted in estimated savings of \$98,000 in direct travel costs. These direct cost savings are in addition to the significant staff time saved by not having to be away from the office during travel.
- *Implemented a new automated timekeeping system, webTA, and converted the paper Official Personnel File to an electronic format, eOPF.* Both of these initiatives support a reduction in paper and printer ink consumption, increased records security and portability, decreased file space, streamlined processes, improved audit capability, and greater employee access to their records.

4. Challenges

The Department's mission has remained substantially unchanged since 2001, yet the budgetary environment in which the Department operates has changed dramatically. From FY 2001 through FY 2011, the Department's discretionary budget grew by more than 41 percent in real dollars, from \$20.4 billion to \$28.9 billion. Yet the Department's discretionary budget decreased by more than 7 percent in FY 2012 to \$26.8 billion, and its FY 2013 discretionary budget request of \$26.7 billion represents a further decrease from historical levels. With the President's budget for FY 2013 forecasting additional cuts to the overall Executive Branch discretionary budgets in coming years, it appears likely that Department leadership faces the significant challenge of fulfilling the Department's mission without the assurance of increased resources.

Like other organizations, the OIG must confront a variety of internal and external challenges that affect its work and impede progress towards achievement of its goals. These include the decisions Department employees make while carrying out their numerous and diverse duties, which affects the number of allegations the OIG receives, Department support for the OIG's mission, and financial support from the Office of Management and Budget (OMB) and Congress.

The OIG views the management of human capital as its biggest ongoing internal challenge to achieving its performance goals. In this regard, the OIG must use all available recruitment tools and hiring flexibilities in a competitive job market to attract – and keep – top talent. Maintaining an optimal, committed workforce is critical to the OIG's overall performance and ability to achieve desired results. The OIG's focus on ensuring that its employees have the appropriate analytical and technological skills for the OIG's complex mission will bolster its reputation as a premier federal workplace and improve retention and results. The length of time it takes to conduct more complex audits, investigations, and reviews is directly affected by the number of experienced personnel the OIG can devote to these activities.

II. Summary of Program Changes

Item Name	Description				Page
		Pos.	FTE	Dollars (\$000)	
Council of Inspectors General on Integrity and Efficiency (CIGIE)	The OIG is requesting funding for its annual share of supporting the government efforts and operations of the Council of the Inspectors General on Integrity and Efficiency (CIGIE).	0	0	\$468	22
IT Savings	This offset represents savings that will be generated through greater inter-component collaboration in IT contracting.	0	0	(\$38)	24
	Total			\$430	

III. Appropriations Language and Analysis of Appropriations Language**OFFICE OF THE INSPECTOR GENERAL
Salaries and Expenses**

For necessary expenses of the Office of the Inspector General, [\$84,714,000] \$85,845,000, including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.

Analysis of Appropriations Language

No substantive changes proposed.

IV. Decision Unit Justification

A. Office of the Inspector General

OIG	Direct Pos.	Estimate	Amount
2012 Enacted	474	465	\$84,199,000
2013 Continuing Resolution	474	454	\$84,199,000
2013 Continuing Resolution 0.612% Increase			\$84,714,000
2013 Supplemental Appropriation – Sandy Hurricane Relief	0	0	\$0
Base and Technical Adjustments	0	0	\$701,000
2014 Current Services	474	454	\$85,415,000
2014 Program Increases			\$468,000
2014 Program Offsets		(2)	(\$38,000)
2014 Request	474	452	\$85,845,000
Total Change 2012-2014			\$1,646,000

OIG Information Technology Breakout (of Decision Unit Total)	Direct Pos.	Estimate	Amount
2012 Enacted	12	12	\$5,354,000
2013 Continuing Resolution	12	12	\$5,372,000
2013 Continuing Resolution 0.612% Increase			
Adjustments to Base and Technical Adjustments			
2014 Current Services	12	11	\$5,671,000
2014 Program Increases			\$0
2014 Program Offsets			(\$38,000)
2014 Request			\$5,633,000
Total Change 2012-2014			\$279,000

1. Program Description

The OIG operates as a single decision unit encompassing audits, inspections, investigations, and reviews.

2. Performance and Resource Tables

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PERFORMANCE AND RESOURCES TABLE (Goal 1)						
Decision Unit: OIG/Audits, Inspections, Investigations, and Reviews						
DOJ Strategic Plan: Strategic Goal 2.6: Protect the federal fisc and defend the interests of the United States.						
OIG General Goal #1: Detect and deter misconduct in programs and operations within or financed by the Department.						
WORKLOAD/RESOURCES	Final Target		Actual		Projected	Requested (Total)
	FY 2012		FY 2012		FY 2013 CR	Current Services Adjustment and FY 2014 Program Changes
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)	FTE 465	\$000 \$84,199 [\$18,203]	FTE 465	\$000 \$84,199 [\$16,404]	FTE 454 \$84,714 [\$13,050]	FTE (2) \$1,131 [\$149]
Performance Report and Performance Plan Number of Cases Opened per 1,000 DOJ employees:						
Fraud*	*			0.51	*	*
Bribery*	*			0.20	*	*
Rights Violations*	*			0.13	*	*
Sexual Crimes*	*			0.37	*	*
Official Misconduct*	*			1.28	*	*
Theft*	*			0.22	*	*
Workload						
Investigations closed	300			361	300	300
Integrity Briefings/Presentations to DOJ employees	75			134	75	75
DOJ employees at Integrity Briefings	3,500			7,200	3,500	3,500

* Indicators for which the OIG only reports actuals.

PERFORMANCE AND RESOURCES TABLE (Goal 1)
(continued)

Decision Unit: _____ OIG/Audits, Inspections, Investigations, and Reviews

DOJ Strategic Plan: Strategic Goal 2.6: Protect the federal fisc and defend the interests of the United States.

OIG General Goal #1: Detect and deter misconduct in programs and operations within or financed by the Department.

WORKLOAD/RESOURCES	Final Target	Actual	Projected	Changes	Requested (Total)
	FY 2012	FY 2012	FY 2013 CR	Current Services Adjustment and FY 2014 Program Changes	FY 2014 Request
Total Costs and FTE	FTE \$000	FTE \$000	FTE \$000	FTE \$000	FTE \$000
(reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)	465 \$84,199 (\$19,203)	465 \$84,199 (\$16,404)	454 \$84,714 (\$13,050)	(2) \$1,131 (\$149)	452 \$85,845 (\$13,199)
Performance Report and Performance Plan					
Intermediate Outcome					
Percentage of Investigations closed or referred for prosecution within 6 months**	75%	71%	75%		75%
Number of closed Investigations substantiated* Arrests *	* *	215 90	* *		* *
End Outcome					
Convictions *	* *	94	* *		* *
Administrative Actions *	* *	192	* *		* *
Response to Customer Surveys:					
Report completed in a timely manner (%)	90%	100%	90%		90%
Issues were sufficiently addressed (%)	90%	100%	90%		90%

*Indicators for which the OIG only reports actuals.

**Our FY 2012 numbers dropped due to cases that required more than 6 months to close or refer.

PERFORMANCE AND RESOURCES TABLE (Goal 1)

DOJ Strategic Plan Strategic Goal 2.6: Protect the federal fisc and defend the interests of the United States.

OIG General Goal #1: Detect and deter misconduct in programs and operations within or financed by the Department.

Data Definition, Validation, Verification, and Limitations

A. Data Definition:

The OIG does not project targets and only reports actuals for workload measures, the number of closed investigations substantiated, arrests, convictions, and administrative actions. The number of convictions and administrative actions are not subsets of the number of closed investigations substantiated.

B. Data Sources, Validation, Verification, and Limitations:

Investigations Data Management System (IDMS) – consists of a computer-based relational database system that became operational at the end of June 2005. We upgraded the system from the initial version to provide added functionality and data integrity. Most of the legacy data from the old IDMS was converted, except for records older than FY 1993, which were archived. We developed new reports to run against the database and verified the accuracy of the conversion. We ran the new reports against historical data and also compared them with historical reports and validated the results. The database administrator runs routine maintenance programs against the database. Database maintenance plans are in place to examine the internal physical structure of the database, backup the database and transaction logs, handle index tuning, manage database alerts, and repair the database if necessary. Currently, the general database backup is scheduled nightly and the transaction log is backed up in 3 hour intervals.

Investigations Division Report of Investigation (ROI) Tracking System – a web-based SQL-Server application was launched in June 2007 to track all aspects of the ROI lifecycle. The ROI and Abbreviated Report of Investigation (AROI) are the culmination of OIG investigations and are submitted to DOJ components. These reports are typically drafted by an agent and go through reviews at the Field Office and at Headquarters levels before final approval by Headquarters. The new ROI Tracking System reads data from IDMS. By providing up-to-the-minute ROI status information, the Tracking System is expected to be a key tool in improving the timeliness of the Division's reports. The ROI Tracking System also documents the administration of customer satisfaction questionnaires sent with each completed investigative report to components and includes all historical data. The system captures descriptive information as well as questionnaire responses. Descriptive information includes the questionnaire form administered, distribution and receipt dates, and component and responding official. The database records responses to several open-ended questions seeking more information on deficiencies noted by respondents and whether a case was referred for administrative action and its outcome. Questionnaire responses are returned to Investigations Headquarters and are manually entered into the Tracking System by Headquarters personnel. No data validation tools, such as double key entry, are used though responses are entered through a custom Form in an effort to ease input and reduce errors.

Investigations Division Investigative Activity Report – Most of the data for this report is collected in IDMS. In 2009, a custom IDMS screen was launched to collect the data for this report. The use of certain investigative techniques and integrity briefing activities are also tracked externally by appropriate Headquarters staff.

C. FY 2013 Performance Report:

For the workload measure, "Investigations Closed" the OIG has increased focus on more complex and document-intensive cases (e.g., grant and contract fraud) that require more in-depth financial and forensic analysis. The OIG is also diversifying its caseload to extend more investigative coverage to other Department components.

PERFORMANCE MEASURE TABLE (Goal 1)										
Decision Unit/Program: OIG/Audits, Inspections, Investigations, and Reviews										
DOJ Strategic Plan: Strategic Goal 2.6: Protect the federal fisc and defend the interests of the United States.										
OIG General Goal #1: Detect and deter misconduct in programs and operations within or financed by the Department.										
Performance Report	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014		
	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Target	Target
Workload										
Number of Cases Opened per 1,000 DOJ employees:										
Fraud**	0.37	0.45	0.50	0.5	0.58	0.51			**	**
Bribery**	0.71	0.36	0.30	0.24	0.21	0.2			**	**
Rights Violations**	0.13	0.16	0.15	0.11	0.1	0.13			**	**
Sexual Crimes**	0.35	0.40	0.21	0.29	0.4	0.37			**	**
Official Misconduct**	1.53	1.27	1.28	1.05	1	1.28			**	**
Theft**	0.26	0.21	0.25	0.17	0.22	0.22			**	**
Investigations closed	400	355	367	300	356	361	300	300		
Integrity Briefings and Presentations to DOJ employees	296	248	346	91	89	134	75	75		
DOJ employees attending Integrity Briefings	11,269	8,342	7,545	4,527	3,551	7,200	3,500	3,500		
Intermediate Outcome										
Percentage of Investigations closed or referred for prosecution within 6 months*	N/A	N/A	N/A	N/A	N/A	71	75	75		
Number of closed Investigations substantiated (QSR Measure)**	227	220	218	180	223	215	**	**		
Arrests**	107	115	111	114	113	90	**	**		
End Outcome										
Convictions**	105	121	104	105	104	94	**	**		
Administrative Actions**	239	231	211	207	198	192	**	**		
Response to Customer Surveys: Report completed in a timely manner (%)	99%	98%	100%	100%	100%	100%	100%	100%	90%	90%
Issues were sufficiently addressed (%)	99%	99%	100%	100%	100%	100%	100%	100%	90%	90%
*Our FY 2012 numbers dropped due to cases that required more than 6 months to close or refer.										
** Indicators for which the OIG only reports actuals.										

PERFORMANCE AND RESOURCES TABLE (Goal 2)

Decision Unit: OIG/Audits, Inspections, Investigations, and Reviews

DOJ Strategic Plan: Strategic Goal 2.6: Protect the federal fisc and defend the interests of the United States.

OIG General Goal #2: Promote the efficiency and effectiveness of Department programs and operations.

WORKLOAD/RESOURCES

	Final Target		Actual		Projected		Changes		Requested (Total)	
	FY 2012 FTE	\$000	FY 2012 FTE	\$000	FY 2013 CR FTE	\$000	Current Services Adjustment and FY 2014 Program Changes FTE	\$000	FY 2014 Request FTE	\$000
Total Costs and FTE (Reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total.)	465	\$84,199 [\$18,203]	465	\$84,199 [\$16,404]	454	\$84,714 [\$13,050]	(2)	\$1,131 [\$149]	452	\$85,845 [\$13,199]
Performance Report and Performance Plan Workload										
Audit and E&I assignments initiated	107		116		102		(6)		96	
Percent of Audit CSITAO resources devoted to security reviews of major Dept. information systems	75%		97%		75%		0%		75%	
Percent of internal audit assignments that assess component performance measures	18%		42%		18%		0%		18%	
Percent of direct resources devoted to audits, evaluations, and reviews of Top Mgmt. Challenges and GAO and JMD-identified High-Risk Areas.	75%		93%		75%		0%		75%	
Intermediate Outcome Audit and E&I assignments completed	96		109		94		(2)		92	

PERFORMANCE AND RESOURCES TABLE (Goal 2)

(continued)

Decision Unit: OIG/Audits, Inspections, Investigations, and Reviews

DOJ Strategic Plan: Strategic Goal 2.6: Protect the federal fisc and defend the interests of the United States.

OIG General Goal #2: Promote the efficiency and effectiveness of Department programs and operations.

WORKLOAD/RESOURCES	Final Target		Actual		Projected		Changes		Requested (Total)	
	FY 2012		FY 2012		FY 2013 CR		Current Services Adjustment and FY 2014 Program Changes		FY 2014 Request	
Total Costs and FTE	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
(reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)	465	\$84,199	465	\$84,199	454	\$84,714	(2)	\$1,131	452	\$85,845
	[\$18,203]		[\$16,404]		[\$13,050]		[\$149]		[\$13,199]	
Performance Report and Performance Plan										
Intermediate Outcome										
Percent of Audit resources devoted to reviews of grants and grant management	40%		42%		40%		0%			40%
Components receiving information system audits	6		11		6		(1)		5	
Products issued to the Dept. containing significant findings or information for management decision-making by Audit & E&I	96		187		94		(7)		87	
Products issued to Congress by Audit and E&I**	96		94		94		(7)		87	
Percent of E&I assignments completed within 7 months***	60%		NA		60%		-10%		50%	
Percent of contract, grant, IGA, and other external audits to be completed in draft within 5 months	50%		34%		50%		0%		50%	
Percent of internal audits to be completed within 1 year	40%		43%		N/A		N/A		N/A	
Percent of internal audits to be completed in draft within 1 year**	N/A		N/A		40%		-5%		35%	

*Beginning in FY 2013 the OIG's Audit Division will report "percent of internal audits to be completed in draft within 1 year"

**Target was not met due to personnel changes in the organization and changes to scope and the direction of some reviews.

***Beginning in FY 2012, the OIG tracked timeliness using a different metric that was greater than 7 months. Therefore, the current target no longer represents a viable metric. A refined measure will be developed in FY 2015.

PERFORMANCE AND RESOURCES TABLE (Goal 2)

(continued)

DOJ Strategic Plan: Strategic Goal 2.6: Protect the federal fisc and defend the interests of the United States.

OIG General Goal #2: Promote the efficiency and effectiveness of Department programs and operations.

Data Definition, Validation, Verification, and Limitations

A. Data Definition:

"Assignment" covers all audits (including Internals, CFO, and Externals, but **not** Single Act Audits), evaluations, and inspections. "Assignments" may also include activities that do not result in a report or product (e.g., a memorandum to file rather than a report).

B. Data Sources, Validation, Verification, and Limitations:

Project Resolution and Tracking (PRT) system- PRT was implemented on April 18, 2011, this OIG system was designed to track audits, evaluations, and reviews from initiation to completion. The system provides senior management with the data to respond to information requests and to track and report on current status of work activities. Work activities prior to PRT were conducted by using two separate systems; the Audit Division Administrative Management System (ADAM) and Inspection Tracking System (ITS).

C. FY 2013 Performance Report: N/A

PERFORMANCE MEASURE TABLE (Goal 2)

Decision Unit/Program: OIG/Audits, Inspections, Investigations, and Reviews												
DOI Strategic Plan: Strategic Goal 2.6: Protect the federal fisc and defend the interests of the United States.												
OIG General Goal #2: Promote the efficiency and effectiveness of Department programs and operations.												
Performance Report												
Workload	FY 2007		FY 2008		FY 2009		FY 2010		FY 2011		FY 2012	
	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target
Audit and E&I assignments initiated	134		142		159		142		124		116	
Percent of Audit CSTAO resources devoted to security reviews of major Dept. information systems	86%		86%		75%		82%		92%		97%	
Percent of internal audit assignments that assess component performance measures	10%		10%		18%		20%		20%		42%	
Percent of direct resources devoted to audits, evaluations, and reviews of Top Mgmt. Challenges and GAO and JMD-identified High-Risk Areas.	78%		78%		94%		89%		86%		93%	
Intermediate Outcome												
Audit and E&I Assignments completed	133		126		155		128		99		109	
Percent of Audit resources devoted to reviews of grants and grant management	25%		30%		47%		49%		39%		42%	
Components receiving information system audits	5		4		6		7		8		11	
Products issued to the Dept. containing significant findings or information for mngt decision-making by Audit and E&I	102		99		116		107		99		187	
Products issued to Congress by Audit and E&I**	45		48		47		49		91		94	
Percent of E&I assignments to be completed in 7 months***	70%		70%		17%		40%		25%		N/A	
Percent of contract, grant, IGA, and other external audits to be completed within 5 months	60%		66%		60%		64%		54%		34%	
Percent of internal audits to be completed within 1 year	60%		66%		66%		60%		44%		43%	
Percent of internal audits to be completed in draft within 1 year*	N/A		N/A		N/A		N/A		N/A		N/A	
											40%	
												35%

*Beginning in FY 2013 the OIG's Audit Division will report "percent of internal audits to be completed in draft within 1 year"

**Target was not met due to personnel changes in the organization and changes to scope and the direction of some reviews.

***Beginning in FY 2012, the OIG tracked timeliness using a different metric that was greater than 7 months. Therefore, the current target no longer represents a viable metric. A refined measure will be developed in FY 2015.

3. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes

As illustrated in the preceding Performance and Resources Tables, the OIG helps the Department achieve its strategic goals through conduct of its audits and its special reviews. Specifically, the OIG contributes to promoting the efficiency and integrity in the Department's programs and its operations. For the Department's programs and activities to be effective, Department personnel, contractors, and grantees must conduct themselves in accordance with the highest standards of integrity, accountability, and efficiency. The OIG investigates alleged violations of criminal and civil laws, regulations, and ethical standards arising from the conduct of the Department's employees in their numerous and diverse activities. In addition, the OIG assists management in promoting integrity, economy, efficiency, and effectiveness within the Department and in its financial, contractual, and grant relationships with others using the coordinated efforts of the OIG's investigative, audit, inspection, and special review resources.

The OIG continues to review its performance measures and targets, especially in light of the changing nature of the cases it investigates and the nature of the Department programs it reviews. Today's work is much more complex and expansive than it was only a few years ago. The number of documents to be reviewed, the number of people to interview, the amount of data to examine, and the analytical work involved in many OIG reviews are significantly greater than in prior years. For example, the OIG completed audits and reviews covering issues central to the challenges facing the Department, including an audit of the Department's statutory debarment activities; a review of improper hiring practices within the Justice Management Division; an examination of the Federal Bureau of Investigation's (FBI) activities under the *Foreign Intelligence Surveillance Act Amendments of 2008*; an evaluation of components' personnel security clearance processes; and a review of the FBI's case management system called Project Sentinel. In addition, we investigated a wide variety of allegations involving misconduct by Department employees, including a murder-for-hire case. We also made a significant addition to the OIG, by creating a Whistleblower Ombudsperson position. Whistleblowers play an important role in the OIG's efforts to prevent and detect waste, fraud, abuse, and mismanagement.

b. Strategies to Accomplish Outcomes

The OIG will devote all resources necessary to investigate allegations of bribery, fraud, abuse, civil rights violations, and violations of other laws and procedures that govern Department employees, contractors, and grantees, and will develop cases for criminal prosecution and civil and administrative action. The OIG will use its audit, inspection, and attorney resources to review Department programs or activities identified as high-priority areas in the Department's strategic plan and devote resources to review the Department's Top Management and Performance Challenges.

V. Program Increases by Item

A. Item Name: Funding for Council of Inspectors General on Integrity and Efficiency (CIGIE) Operations

Budget Decision Unit(s): Audits, Inspections, Investigations, and Reviews
 Strategic Goal(s) & Objective(s): Supporting the Mission: Efficiency and Integrity
In the Department of Justice
 Organizational Program: OIG

Program Increase: Positions +0 Agt/Atty +0/+0 FTE +0 Dollars +\$468,000

Description of Item

The OIG is requesting \$468,000 to fund its support of the government-wide efforts of the Council of Inspectors General on Integrity and Efficiency (CIGIE).

Justification

This funding will support the coordinated government-wide activities that identify and review areas of weakness and vulnerability in federal programs and operations with respect to fraud, waste, and abuse. There are no current services for this initiative.

Funding (Dollars in Thousands)

The OIG operates as a single decision unit encompassing audits, inspections, investigations, and reviews. By the nature of its mission, the OIG must be able to move its resources and funding freely across all functions to address new priorities. Therefore, base funding for the OIG is only meaningful at the single decision unit level.

Base Funding

FY 2012 Enacted				FY 2013CR				FY 2014 Current Services			
Pos	Agt/Atty	FTE	\$0	Pos	Agt/Atty	FTE	\$0	Pos	Agt/Atty	FTE	\$0
474	139/30	465	\$84,199	474	139/30	454	\$84,714	474	139/30	452	\$85,415

Personnel Increase cost Summary

Type of Position	Modular cost per Position (\$000)	Number of Positions Requested	FY 2014 Requested (\$000)	FY 2015 Net Annualization (change from 2014) (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)
	\$0	0	\$0	\$0	\$0
Total Personnel	\$0	0	\$0	\$0	\$0

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2014 Request (\$000)	FY 2015 Net Annualization (change from 2014) (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)
Funding for Council of Inspectors General on Integrity and Efficiency (CIGIE) Operations	1	1	\$468	\$0	\$0
Total Non-Personnel	1	1	\$468	\$0	\$0

Total Request for this item

	Pos	Ag't/Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)	FY 2016 Net Annualization (Change from 2015) (\$000)
Current Services	474	139/30	454	\$66,907	\$18,508	\$85,415	\$0	\$0
Increases*	0	0/0	0	\$0	\$468	\$468	\$0	\$0
Grand Total	474	139/30	454	\$66,907	\$18,976	\$85,883	\$0	\$0

*Note: The Grand Total will be reduced by \$38,000 due to an IT Savings program offset.

VI. Program Offsets by Item**A. Item Name:** **IT Savings:**

Budget Decision Unit(s): Audits, Inspections, Investigations, and Reviews
 Strategic Goal(s) & Objective(s): Enabling/Administrative
 Organizational Program: OIG

Component Ranking of Item: 1 of 1

Program Offset: Positions (0) FTE (0) Dollars (\$38,000)

Description of Item

The Department is actively reviewing its IT programs to identify efficiencies and improve performance. Some of the areas being reviewed include consolidation of commodity IT services and strategic sourcing. The Department is also improving IT governance, visibility, and program management. This offset represents savings that will be generated through greater inter-component collaboration in IT contracting. The offset to support these initiatives for the OIG is \$38,000.

Impact on Performance

No known effect on priority goals.

Base Funding

FY 2012 Enacted				FY 2013 CR				FY 2014 Current Services			
Pos	Agt/Atty	FTE	\$0	Pos	Agt/Atty	FTE	\$0	Pos	Agt/Atty	FTE	\$0
12	0	12	\$5,354	12	0	12	\$5,372	12	0	11	\$5,671

Non-Personnel Reduction Cost Summary

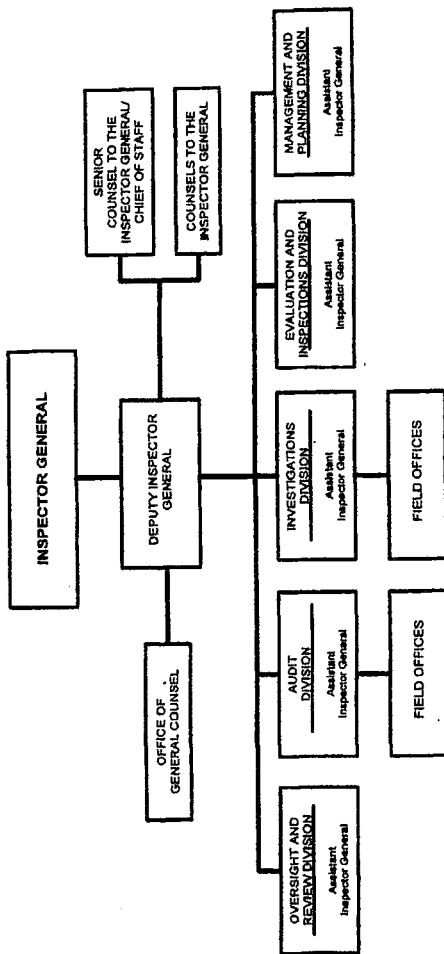
Non-Personnel Item	Unit Cost	Quantity	FY 2014 Request (\$000)	FY 2015 Net Annualization (change from 2014) (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)
IT Savings	1	1	(\$38)	\$0	\$0
Total Non- Personnel	1	1	(\$38)	\$0	\$0

Total Request for this item

	Pos	Agg/Atty	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)	FY 2016 Net Annualization (Change from 2015) (\$000)
Current Services	12	0/0	11	\$1,312	\$4,359	\$5,671	\$0	\$0
Decreases	0	0/0	0	\$0	(\$38)	(\$38)	\$0	\$0
Grand Total	12	0/0	11	\$1,312	\$4,321	\$5,633	\$0	\$0

A: Organizational Chart

OFFICE OF THE INSPECTOR GENERAL



Approved by: Michael S. Newman Date: 9/27/12
 Michael S. Newman
 Inspector General

B. Summary of Requirements

Summary of Requirements
Office of the Inspector General
Salaries and Expenses
(Dollars in Thousands)

	Direct Pos.	FY 2014 Request Estimate FTE	Amount
2012 Enacted^{1/}	474	448	84,189
2012 Balance Recission			0
Total 2012 Enacted (with Balance Recission) ^{1/}	474	448	84,189
2013 Continuing Resolution	474	454	84,189
2013 Balance Recission			0
2013 CR 0.612% Increase			516
2013 Supplemental Appropriation - Sandy Hurricane Relief			0
Total 2013 Continuing Resolution (with Balance Recission and Supplemental)	474	454	84,714
Technical Adjustments			
Supplemental Adjustment - Sandy Hurricane Relief	0	0	0
Adjustment - 2013 CR 0.612%	0	0	-516
Total Technical Adjustments	0	0	-516
Base Adjustments			
Transfers:			
ICOM and JCOM S/TS Transfer	0	0	37
OIP Transfer	0	0	-63
PRAO Transfer	0	0	77
Pay and Benefits	0	0	622
Domestic Rent and Facilities	0	0	623
Other Adjustments	0	0	24
Total Base Adjustments	0	0	1,216
Total Technical and Base Adjustments	0	0	700
2014 Current Services	474	454	85,418
Program Changes			
Council of the Inspector General on Integrity and Efficiency	0	0	469
Subtotal, increases	0	0	469
Offsets:			
IT Savings	0	0	-35
Reduction in FTE	0	0	0
Statutory Offsets	0	-2	0
Statutory Offsets	0	-2	-38
Total Program Changes	0	-2	-38
2014 Total Request	474	452	85,346
2014 Balance Recission			0
2014 Total Request (with Balance Recission)	474	452	85,346
2012 - 2014 Total Change	0	-2	1,646

^{1/} FY 2012 FTE is actual

B. Summary of Requirements

Summary of Requirements
 Name of Budget Account
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	2012 Appropriation Enacted			2013 Continuing Resolution *			2014 Technical and Base Adjustments			2014 Current Services		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Audits, Inspections, Investigations and Reviews	474	442	84,199	474	431	84,714	0	0	701	474	431	85,415
Balance Recession	474	443	84,199	474	431	84,714	0	0	701	474	431	85,415
Total Direct	474	443	84,199	474	431	84,714	0	0	701	474	431	85,415
Reimbursable FTE		23			23						23	
Total Direct and Reimb. FTE		465			454						454	
Other FTE:												
LEAP		0			0			0			0	
Overtime		0			0			0			0	
Grand Total, FTE		465			454			0			454	

Program Activity	2014 Increases			2014 Offsets			2014 Request		
	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Audits, Inspections, Investigations and Reviews	0	0	488	0	0	-38	474	431	85,845
Balance Recession	0	0	488	0	0	-38	474	431	85,845
Total Direct	0	0	488	0	0	-38	474	431	85,845
Reimbursable FTE		0			0			0	
Total Direct and Reimb. FTE		0			0			0	
Other FTE:									
LEAP		0			0			0	
Overtime		0			0			0	
Grand Total, FTE		0			-2			452	

*The 2013 Continuing Resolution includes the 0.812% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101(c)).

C. Program Changes by Decision Unit

FY 2014 Program Increases/Offsets by Decision Unit

Office of the Inspector General
Salaries and Expenses
(Dollars in Thousands)

Program Increases	Location of Description by Program Activity	OIG			
		Direct Pos.	Agil./Atty.	Est. FTE	Amount
Council of the Inspector General on Integrity and Efficiency	OIG	0	0	0	468
Total Program Increases		0	0	0	468

Program Offsets	Location of Description by Program Activity	OIG			
		Direct Pos.	Agil./Atty.	Est. FTE	Amount
IT Savings Reimbursable FTE	OIG	0	0	0	-36
	OIG	0	0	-2	0
Total Program Offsets		0	0	-2	-36

D. Resources by DOJ Strategic Goal and Strategic Objective

Resources by Department of Justice Strategic Goal/Objective
 Office of the Inspector General
 Salaries and Expenses
 (Dollars in Thousands)

Strategic Goal and Strategic Objective	2012 Appropriation			2013 Continuing			2014 Current Services			2014 Increases			2014 Offsets			2014 Total Request		
	Direct Reimb FTE	Direct Amount	Direct Reimb FTE	Direct Reimb FTE	Direct Amount	Direct Reimb FTE	Direct Reimb FTE	Direct Amount	Direct Reimb FTE	Direct Reimb FTE	Direct Amount	Direct Reimb FTE	Direct Reimb FTE	Direct Amount	Direct Reimb FTE	Direct Amount	Direct Reimb FTE	Direct Amount
Goal 2 Prevent Crime, Protect the Rights of the American People, and enforce Federal Law 2.6 Protect the federal life and defend the interests of the United States.	465	84,199	454	84,714	454	84,714	454	85,415	0	468	-2	-38	468	-2	-38	85,645	452	85,645
TOTAL	465	84,199	454	84,714	454	84,714	454	85,415	0	468	-2	-38	468	-2	-38	85,645	452	85,645

*Note: The OIG helps promote accountability, efficiency, and effectiveness through its audits, inspections, investigations, special reviews, and other activities.

Note: Excludes Balance Rescission and/or Supplemental Appropriations.

Crosswalk of 2012 Availability
Office of the Inspector General
Salaries and Expenses
(Dollars in Thousands)

Program Activity	2012 Appropriation Enacted w/o Balance Rescission			Balance Rescission			Reprogramming/Transfers			Carryover*		Recoveries/ Refunds		2012 Actual	
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Amount	Amount	Amount	Direct Pos.	Actual FTE	Amount
Audits, Inspections, Investigations and Reviews	474	442	84,199	0	0	0	0	0	0	0	1,103	0	474	442	85,302
Total Direct	474	442	84,199	0	0	0	0	0	0	0	1,103	0	474	442	85,302
Reimbursable FTE		23			0			0						23	
Total Direct and Reimb. FTE		465			0			0						465	
Grand Total FTE		465			0			0						465	

*Carryover: \$1.1 million for the American Recovery and Reinvestment Act (ARRA) of 2009. The ARRA funds were available to the OIG for obligation until December 31, 2012. Carryover in the amount of \$3K in our Global War on Terrorism No Year account (GWOT).

Crosswalk of 2013 Availability
Office of the Inspector General
Salaries and Expenses
(Dollars in Thousands)

Program Activity	FY 2013 Continuing Resolution			Supplemental Appropriation		Reprogramming/Transfers			Carryover**		Recovered/Refunds		2013 Availability	
	Direct Pos.	Estim. FTE	Amount	Amount	Amount	Direct Pos.	Estim. FTE	Amount	Amount	Amount	Direct Pos.	Estim. FTE	Amount	Amount
Audits, Inspections, Investigations and Reviews	474	431	84,714			0	0	0	0	0	0	474	431	84,917
Total Direct	474	431	84,714			0	0	0	0	0	0	474	431	84,917
Balance Reclassification				0										0
Total Direct with Reclassification				0										0
Reimbursable FTE														0
Total Direct and Reimb. FTE		23	84,714				0		0				23	84,917
Other FTE: LEAP		454					0		203				454	
Overtime		0					0		0				0	
Grand Total, FTE		454					0		203				454	

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-75, Section 101 (c)).

**Carryover in the amount of \$200K for the American Recovery and Reinvestment Act (ARRA) of 2009 was available to the OIG for obligation until December 31, 2012. Carryover in the amount of \$3K in our Global War on Terrorism No Year account (GWOT)

H. Summary of Reimbursable Resources

Summary of Reimbursable Resources
Office of the Inspector General
Salaries and Expenses
(Dollars in Thousands)

Collections by Source	2012 Actual			2013 Planned			2014 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE**	Amount	Reimb. Pos.	Reimb. FTE**	Amount	Reimb. Pos.	Reimb. FTE	Amount
Bureau of Alcohol, Tobacco, Firearms and Explosives	0	2	1,275	0	0	0	0	0	0	0	0	0
Drug Enforcement Administration	0	2	1,508	0	0	0	0	0	0	0	0	0
Federal Bureau of Investigation	0	2	2,141	0	2	1,558	0	2	1,827	0	0	69
Offices, Boards, and Divisions	0	2	2,182	0	5	4,486	0	5	4,662	0	0	186
Asset Forfeiture Fund	0	2	1,210	0	2	1,084	0	2	1,088	0	0	4
Federal Bureau of Prisons	0	2	1,488	0	2	1,078	0	2	1,113	0	0	35
Federal Prison Industries	0	1	1,243	0	2	1,011	0	2	1,002	0	0	8
Office of Justice Programs	0	2	1,282	0	0	0	0	0	1,111	0	0	61
United States Marshals Service	0	1	1,317	0	2	1,778	0	2	2,539	0	0	67
Working Capital Fund (ITSS)	0	7	2,383	0	7	2,472	0	0	0	0	0	-122
IG Criminal Investigator Academy	0	0	181	0	0	183	0	0	81	0	0	0
Council of the IGs on Integrity and Efficiency	0	0	184	0	0	183	0	0	0	0	0	0
Budgetary Resources	0	23	10,454	0	21	13,950	0	21	13,188	0	0	148

*Note: FTE level for FY 2013 shows a decrease from 23 to 21 which represents a planned reduction of reimbursable support. Reimbursable FTE on Exhibit I & L represent the reimbursable FTE ceiling.

**The columns will add to a different amount due to rounding.

I. Detail of Permanent Positions by Category

Detail of Permanent Positions by Category
Office of the Inspector General
Salaries and Expenses

Category	2013 Appropriation Enacted		2013 Continuing Resolution		ATBs	2014 Request		Total Direct Pos.	Total Reimb. Pos.
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.		Program Increases	Program Offsets		
Intelligence Series (132)	0	0	0	0	0	0	0	0	0
Personnel Management (200-295)	7	0	7	0	0	0	0	7	0
General and Office Services (300-399)	160	3	160	3	0	0	0	160	3
Accounting and Budget (500-599)	95	15	95	13	0	0	0	95	11
Attorneys (600)	30	0	30	0	0	0	0	30	0
Paralegals / Other Law (900-999)	5	0	5	0	0	0	0	5	0
Information & Arts (1000-1099)	0	0	0	0	0	0	0	0	0
Business & Industry (1100-1199)	0	0	0	0	0	0	0	0	0
Operation Research Analyst (1515)	2	0	2	0	0	0	0	2	0
Equipment/Facilities Services (1600-1699)	0	0	0	0	0	0	0	0	0
Equipment/Facilities Series (1802)	9	0	9	0	0	0	0	9	0
Miscellaneous Inspectors Series (1811)	139	0	139	0	0	0	0	139	0
Supply Services (2000-2099)	0	0	0	0	0	0	0	0	0
Motor Vehicle Operations (2703)	0	0	0	0	0	0	0	0	0
Information Technology Mgmt (2210)	18	5	18	7	0	0	0	18	7
Security Specialists (880)	3	0	3	0	0	0	0	3	0
Miscellaneous Operations (010-099)	6	0	6	0	0	0	0	6	0
Total	474	23	474	23	0	0	0	474	21
Headquarters (Washington, D.C.)	228	23	228	23	0	0	0	228	21
U.S. Field	246	0	246	0	0	0	0	246	0
Foreign Field	0	0	0	0	0	0	0	0	0
Total	474	23	474	23	0	0	0	474	21

J. Financial Analysis of Program Changes

Financial Analysis of Program Changes

Office of the Inspector General

Salaries and Expenses

(Dollars in Thousands)

Object Class	OIG			
	Program Increase		Program Offsets	
	Direct Pos.	Amount	Direct Pos.	Amount
13.0 Benefits for former personnel		0		0
21.0 Travel and Transportation of Persons		0		0
22.0 Transportation of Things		0		0
23.1 Rental Payments to GSA		0		0
23.3 Communications, Utilities, and Miscellaneous Charges		0		0
24.0 Printing and Reproduction		0		0
25.1 Advisory and Assistance Services		0		0
25.2 Other Services from Non-Federal Sources		0		0
25.3 Other Goods and Services from Federal Sources		488		0
25.5 Research and Development Contracts		0		0
25.7 Operation and Maintenance of Equipment		0		0
26.0 Supplies and Materials		0		0
31.0 Equipment		0		-38
Total Program Change Requests	0	488	0	-38

K. Summary of Requirements by Grade

Summary of Requirements by Grade

Office of the Inspector General
Salaries and Expenses

Grades and Salary Ranges	2012 Enacted		2013 Continuing Resolution		2014 Request		Increase/Decrease	
	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount
EX, \$145,700 - \$199,700	1	0	1	0	1	0	0	0
SES, \$119,554 - \$179,700	9	0	9	0	9	0	0	0
SL, \$119,554 - \$179,700	2	0	2	0	2	0	0	0
GS-15, \$123,758 - \$155,500	65	0	65	0	65	0	0	0
GS-14, \$105,211 - \$136,771	86	0	86	0	86	0	0	0
GS-13, \$89,033 - \$115,742	208	0	208	0	208	0	0	0
GS-12, \$74,872 - \$97,333	34	0	34	0	34	0	0	0
GS-11, \$62,467 - \$81,204	29	0	29	0	29	0	0	0
GS-10, \$58,857 - \$73,917	0	0	0	0	0	0	0	0
GS-9, \$51,830 - \$67,114	16	0	16	0	16	0	0	0
GS-8, \$46,745 - \$60,765	10	0	10	0	10	0	0	0
GS-7, \$42,209 - \$54,875	14	0	14	0	14	0	0	0
Total, Appropriated Positions	474	0	474	0	474	0	0	0
Average SES Salary		173,288		174,124		175,965		
Average GS Salary		100,904		101,409		102,423		
Average GS Grade		13		13		13		

L. Summary of Requirements by Object Class

Summary of Requirements by Object Class
 Office of the Inspector General
 Salaries and Expenses
 (Dollars in Thousands)

Object Class	2012 Actual		2013 Availability		2014 Request		Increase/Decrease	
	Direct	FTE	Amount	FTE	Amount	FTE	Amount	FTE
11.1 Full-Time Permanent	418		43,022	407	44,545	407	44,748	0
11.2 Other than Full-Time Permanent	24		1,993	24	1,005	24	1,165	0
11.3 Other Personnel Compensation	0		3,606	0	4,020	0	4,087	0
11.4 Overtime	0		0	0	0	0	0	0
11.5 Other Compensation	0		0	0	0	0	0	0
11.6 Special Personnel Service Payments	0		0	0	0	0	0	0
11.7 Total	442		48,221	431	49,570	431	49,998	0
Other Object Classes								
12.0 Personnel Benefits			16,538		16,695		16,996	301
13.0 Benefits for former personnel			2,632		2,259		2,592	333
21.0 Travel and Transportation of Persons			1,031		1,031		1,031	0
22.0 Transportation of Things			8,381		9,486		8,972	484
23.1 Rental Payments to GSA			473		559		473	87
23.2 Rental Payments to Others			1,392		1,841		1,633	250
23.3 Communications, Utilities, and Miscellaneous Charges			19		0		0	0
24.0 Printing and Reproduction			1,182		1,000		900	100
25.1 Library and Assistance Services			1,720		1,682		1,682	0
25.2 Other Services from Federal Sources			1,947		1,709		1,756	466
25.3 Other Goods and Services from Federal Sources			208		32		32	0
25.4 Operation and Maintenance of Facilities			0		0		0	0
25.5 Research and Development Contracts			82		0		0	0
25.6 Medical Care			279		231		256	25
25.7 Operation and Maintenance of Equipment			391		0		0	0
25.8 Subsistence and Support of Persons			456		459		459	0
26.0 Supplies and Materials			0		0		0	0
31.0 Equipment			0		0		0	0
32.0 Land and Structures			490		0		0	0
41.0 Grants, Subsidies, and Contributions			84,595		84,917		85,845	928
42.0 Insurance Claims and Indemnities			-1,103		-203		0	203
Total Obligations								
Subtotal - Unobligated Balance, Start-of-Year								
Subtotal - Transfers/Reprogramming								
Subtotal - Recoveries/Refunds								
Add - Unobligated End-of-Year, Available			203		0		0	0
Add - Unobligated End-of-Year, Expiring			504		0		0	0
Total Direct Requirements			84,189		84,714		85,845	1,131
Reimbursable FTE	23			23		21		-2
Full-Time Permanent								
23.1 Rental Payments to GSA (Reimbursable)			0		0		0	0
23.3 Other Goods and Services from Federal Sources - DHS Security (Reimbursable)			0		0		0	0

M. Additional Required Information for OIG Budget Submissions

The Inspector General Reform Act of 2008 (P.L. 110-409) requires that the Department of Justice OIG submit the following information related to its requested budget for Fiscal Year 2014:

- *the aggregate budget request for the operations of the OIG is \$85,845,000;
- *the portion of this amount needed for OIG training is \$425,000;
- *the requested amount includes \$468,000 to support the operations of the Council of the Inspectors General on Integrity and Efficiency (CIGIE).

The Inspector General of the Department of Justice certifies that the amount requested for training satisfies all OIG training needs for FY 2014.

APPENDIX A
OIG STATISTICAL HIGHLIGHTS

Statistical Highlights

April 1, 2012 – September 30, 2012

The following table summarizes Office of the Inspector General (OIG) activities discussed in our most recent *Semiannual Report to Congress*. As these statistics and the following highlights illustrate, the OIG continues to conduct wide-ranging oversight of Department of Justice programs and operations.

Source of Allegations	
Hotline (telephone, mail, and e-mail)	1,738
Other Sources	3,955
Total allegations received	5,693

Investigative Caseload	
Investigations opened this period	205
Investigations closed this period	200
Investigations in progress as of 9/30/12	381

Prosecutive Actions	
Criminal indictments/informations	46
Arrests	47
Convictions/Pleas	43

Administrative Actions	
Terminations	12
Resignations	46
Disciplinary action	32

Monetary Results	
Fines/Restitutions/Recoveries/Assessments/Forfeitures	\$2,013,939
Civil Fines/Restitutions/Recoveries/Penalties/Damages/Forfeitures	\$1,850,000

U.S. Department of Justice

**FY 2014 PERFORMANCE BUDGET
Congressional Submission**

United States Parole Commission



April 2013

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1. Overview for the U.S. Parole Commission

1. Introduction

In FY 2014, the President's Budget includes a total of \$13,021,000, 35 positions (7 attorneys) and 74 FTE for the U.S. Parole Commission (USPC). This request includes adjustments to base totaling \$109,000 and no program changes.

Note that USPC is not requesting any enhancements for information technology (IT), although the request includes \$1,047,000, 7 FTE, and 7 positions for IT activities.

Electronic copies of the Department of Justice's (DOJ) Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.justice.gov/02organizations/bpp.htm>.

2. Background

Mission

The mission of the U.S. Parole Commission is to promote public safety and strive for justice and fairness in the exercise of its authority to release, revoke and supervise offenders under its jurisdiction.

Jurisdiction

The U.S. Parole Commission has jurisdiction over the following types of cases:

All Federal Offenders who committed an offense before November 1, 1987;

All District of Columbia Code Offenders;

Uniform Code of Military Justice Offenders who are confined in a Bureau of Prisons' institution;

Transfer Treaty cases (U.S. citizens convicted in foreign countries, who have elected to serve their sentence in this country); and,

State Probationers and Parolees in the Federal Witness Protection Program.

In all of these cases, the Parole Commission has the responsibility for:

- making determinations regarding the initial conditions of supervision;
- managing the offender's risk in the community;
- modification of the conditions of supervision for changed circumstances;
- early discharge from supervision, issuance of a warrant or summons for violation of the conditions of supervision; and,

- revocation of release for such offenders released on parole or mandatory release supervision.

Federal Offenders (offenses committed before November 1, 1987): The Parole Commission has the responsibility for granting or denying parole to federal offenders who committed their offenses before November 1, 1987 and who are not otherwise ineligible for parole. Supervision in the community is provided by U.S. Probation Officers.

District of Columbia Code Offenders: The Parole Commission has the responsibility for granting or denying parole to D.C. Code offenders who committed their offenses before August 5, 2000, and who are not otherwise ineligible for parole. Supervision in the community is provided by Supervision Officers of the Court Services and Offender Supervision Agency (CSOSA) of the District of Columbia and U.S. Probation Officers.

Uniform Code of Military Justice Offenders: The Parole Commission has the responsibility for granting or denying parole to parole-eligible Uniform Code of Military Justice offenders who are serving a sentence in a Bureau of Prisons institution. Supervision in the community for military parolees is provided by U.S. Probation Officers.

Transfer-Treaty Cases: The Parole Commission has the responsibility for conducting hearings and setting release dates for U.S. citizens who are serving prison terms imposed by foreign countries and who, pursuant to treaty, have elected to be transferred to the United States for service of that sentence. The Parole Commission applies the federal sentencing guidelines promulgated by the U.S. Sentencing Commission in determining the time to be served in prison before release for offenders who committed their offenses after October 31, 1987. For those offenders who committed their offenses before November 1, 1987, the U.S. Parole Commission applies the parole guidelines that are used for parole-eligible federal and military offenders.

State Probationers and Parolees in Federal Witness Protection Program: In addition to its general responsibilities, the Parole Commission is also responsible for the revocation of release for certain state probationers and parolees who have been placed in the federal witness protection program. Supervision in the community is provided by United States Probation Officers.

Organizational Structure

- **The Chairman and Commissioners** render decisions in National Appeals Board cases; create and maintain a national parole policy; grant or deny parole to all eligible federal and District of Columbia prisoners; establish conditions of release; modify parole conditions and/or revoke the parole or mandatory/supervised releases of offenders who have violated the conditions of supervision; and administer the USPC crime victim notification program.

- **The Office of Budget and Management** provides management and advisory services to the Chairman, Commissioners, management officials, and staff in the areas of human resources management, workforce development and training; budget and financial management; contracts and procurement; facilities and property management; telecommunications; security; and all matters pertaining to organization, management, and administration.
- **The Office of Case Operations** conducts parole hearings with federal and D.C. prisoners and parole revocation hearings with parole violators; and plans and schedules parole hearing dockets.
- **The Office of Case Services** monitors the progress of prisoners and parolees through pre-release and post-release; prepares and issues warrants and warrant supplements; drafts letters of reprimand; requests and analyzes preliminary interviews; and issues parole certificates.
- **The Office of Information Systems** is responsible for delivering and supporting information technology systems and services; maintaining and reporting statistical workload data; and administering the records management program.
- **The Office of the General Counsel** advises the Commissioners and staff on interpretation of the agency's enabling statutes; drafts implementing rules and regulations; and assists U.S. Attorney's Offices in defending the Commission against lawsuits brought by prisoners and parolees. The office also oversees responses to requests submitted under the Freedom of Information Act and Privacy Act.

3. Challenges

The Parole Commission has the authority to make decisions regarding federal (including military, Foreign Treaty and Witness Protection Program) and District of Columbia offenders who are candidates for parole consideration, parolees released from prison to the community, and District of Columbia offenders serving a term of supervised release. The Parole Commission (1) provides services and programs to facilitate inmates' successful reintegration into society, consistent with community expectations and standards; (2) supervises, revokes, and releases federal and District of Columbia offenders; (3) establishes and applies sanctions that are consistent with public safety and the appropriate punishment for crimes involving sex offenders, gangs, crimes of violence with firearms, and domestic violence; (4) establishes and implements guidelines to reduce recidivism; and (5) works collaboratively with the Court Services and Offender Supervision Agency (CSOSA), the Federal Prison System, the U.S. Marshals, the U.S. Attorneys Office (USA), the U.S. Probation Office (USPO), Public Defender Services (PDS), the D.C. Metropolitan Police Department, the D.C. Superior Court, and others to facilitate strategies that support anti-recidivism programs.

The following is a brief summary of the role USPC plays in supporting the Department of Justice's Strategic Goal 3.

Strategic Goal 3: Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal, and International Levels

Strategic objective 3.3 – Provide for the safe, secure, humane, and cost-effective confinement of detainees awaiting trial and/or sentencing, and those in the custody of the federal prison system.

- Develop and implement enhanced strategies to evaluate reentry and supervision that will ensure community safety, reduce serious violent crime, and reduce recidivism.
- Establish short term intervention sanctions for administrative violators.
- Establish and implement guidelines to reduce recidivism.
- Enhance current sanctions and develop new alternatives to incarceration to reduce recidivism for low-risk, non-violent offenders, such as the Reprimand Sanction Hearings Program, Short-term Intervention for Success Pilot Program, and Mental Health Pilot Program.
- Establish conditions of release. Develop risk assessment instruments and guidelines to identify high risk offenders to require intense supervision sanctions to reduce the changes of recidivism. The Parole Commission targets those offenders involved in gang activity, sex offenses, gun-related offenses, and domestic violence.
- Issue warrants in a timely fashion to remove violent offenders from the community.
- D.C. Jail and Corrections: Develop new procedures for conducting probable cause and revocation hearings for Technical Parole Violators.
- Build a collaborative community approach to assisting victims and witnesses. Enhance decision-making through cooperation with external partners in criminal justice to ensure that the victim's input is considered prior to a decision. Develop policies and procedures to incorporate video conferencing for victim and witness input.

4. Full Program Costs

The FY 2014 budget request for USPC is \$13,021,000, 85 full time permanent positions (including 7 attorneys) and 74 workyears. USPC's budget is integrated with its own priorities as well as the Department's Strategic Goals and Objectives, and therefore each performance objective is linked with the costs of critical strategic actions.

USPC'S budget is integrated with its own priorities as well as the Department's Strategic Goals and Objectives. The total costs include the following:

- The direct costs of all outputs
- Indirect costs
- Common administrative systems

The performance and resource tables define the total costs of achieving the strategies the USPC will implement in FY 2014. The various resource and performance charts incorporate the costs of lower level strategies which also contribute to achievement of objectives, but which may not be highlighted in detail in order to provide a concise narrative. Also included are the indirect costs of continuing activities, which are central to the USPC's operations.

5. Performance Challenges

The challenges that impede progress towards achievement of agency goals are complex and ever changing.

External Challenges: There are many external challenges, outside of its control, that the USPC has to address to be successful in meeting its goals. A major task before the Parole Commission is to take immediate action on violent offenders, while reducing recidivism rates for low-risk, non-violent offenders. While the Parole Commission's workload depends heavily on the activities of its criminal justice partners, it has developed programs to reduce recidivism, reduce prison overcrowding, reduce violent crime, and promote the public's safety.

The USPC employs video conferencing in approximately 24% of the hearings it conducts. Video conferencing gives all participants in the hearing the ability to clearly see and hear the proceedings and provides significant savings to the USPC in travel costs and examiner time. Legislation will be required to authorize the USPC to make full use of available technology to conduct hearings with persons under its jurisdiction, including prisoners transferred to BOP custody under prisoner transfer treaties and parolees awaiting uncontested revocation hearings and early termination of parole hearings.

Internal Challenges: The USPC faces two significant internal challenges in the years ahead, one dealing with its aging workforce and the other with technology. Both challenges are intertwined and will require creative and resourceful solutions.

As is the case with most Federal agencies, the USPC's workforce is aging and, as such, employee retirements will result in the need to recruit and retain replacement workers. The Commission expects up to 20, or almost a quarter, of its employees to be eligible for retirement within the next five years. With the upcoming retirements and staff reductions, the expertise of the staff becomes a challenge. The caseload challenges are increasing, especially in the areas of mental health and sex offenses. As a result, the number of offenders with mental health and sex disorders is increasing. There continues to be greater emphasis by the courts on the growing population with mental health disorders and the USPC needs to adjust internally by defining the special skill sets needed to address this growing workload and to develop its staff so we can address this particular workload. The staff must have the expertise to evaluate these disorders and set conditions of supervision that adequately address them. This is especially challenging because of USPC's small size. Innovation and creative, more flexible, recruitment options will have to be employed to meet this challenge.

A somewhat related, and pressing second challenge is the Commission's need to expand its paperless process and take full advantage of technological innovation, especially in light of a potential "brain drain" over the next five years. In preparation for this eventuality, the Commission is pressing ahead with implementation of its Offender Management System (OMS), albeit with a more measured approach because of budget constraints. Moving to a paperless process will require sensitivity to a number of issues, including: access to case files; the need to meet statutory deadlines; the need to capture more reliable data; security concerns; working with multiple stakeholders, such as BOP, CSOSA, USPO, USA, and PDS; continuity of operation; and finally, having remote access at hearings.

II. No Program Changes

III. Appropriations Language and Analysis of Appropriations Language

United States Parole Commission Salaries and Expenses

For necessary expenses of the United States Parole Commission as authorized, \$13,021,000.

A full-year 2013 appropriation for this account was not enacted at the time the budget was prepared; therefore, this account is operating under a continuing resolution (P.L. 112-175). The amounts included for 2013 reflect the annualized level provided by the continuing resolution.

Analysis of Appropriations Language

No substantive changes proposed.

IV. Program Activity Justification

A. United States Parole Commission

<i>United States Parole Commission</i>	Direct Pos.	Estimate FTE	Amount
2012 Enacted	85	87	\$12,833,000
2013 Continuing Resolution	85	74	12,833,000
2013 Continuing Resolution 0.612% Increase			79,000
Base and Technical Adjustments			109,000
2014 Current Services	85	74	13,021,000
2014 Request	85	74	13,021,000
Total Change 2012-2014			188,000

<i>United States Parole Commission-Information Technology Breakout (of USPC Total)</i>	Direct Pos.	Estimate FTE	Amount
2012 Enacted	6	6	\$999,000
2013 Continuing Resolution	6	6	999,000
2013 Continuing Resolution 0.612% Increase			6,000
Adjustments to Base and Technical Adjustments			42,000
2014 Current Services	6	6	1,047,000
2014 Request	6	6	1,047,000
Total Change 2012-2014			48,000

1. Program Description

The U.S. Parole Commission makes parole release decisions for eligible federal and District of Columbia (D.C.) prisoners, determines the conditions of parole or supervised release, issues warrants and revokes parole and supervised release for violation of the conditions of release. The Parole Commission contributes to the Department's priority of ensuring public safety through (1) seeking to reduce prison overcrowding through lower recidivism rates, (2) implementing new revocation guidelines, (3) taking swift and immediate action toward preventing high risk behaviors of violent offenders, and (4) expanding alternatives to incarceration for low-risk, non-violent offenders.

Responsibilities

- Manage the offender's risk in the community
- Issue warrants for violation of supervision
- Determine probable cause for revocation process
- Make parole release decisions
- Authorize method of release and the condition under which release occurs
- Prescribe, modify and monitor compliance with the terms and conditions governing offender's behavior while on parole or mandatory or supervised release
- Revocation of parole, mandatory or supervised release of offenders
- Release from supervision those offenders who no longer pose a risk to public safety
- Promulgate rules, regulations, and guidelines for the exercise of its authority and the implementation of a

Parole Guidelines: Parole guidelines structure incarceration and release decision-making and are built around a two-dimensional matrix that considers offense severity and offender risk. For each combination of offense severity and risk, the guidelines indicate a range of time to be served. The Parole Commission may release outside the guideline range if it determines there is good cause for doing so. Inmates are furnished a written notice stating the reason(s) for the Parole Commission's determination and a summary of the information relied upon.

Anti-recidivism Efforts: The Parole Commission continues to work with its criminal justice partners to increase the number of low-risk offenders referred to the Secured Residential Treatment and Residential Substance Abuse Treatment Program in the District of Columbia. An overwhelming majority of offenders violate the conditions of their release on parole or supervised release because of a non-criminal violation related to the use of drugs or failure to participate in treatment for drug use, drug testing, or drug treatment. Increasing the participation in these programs will likely improve the chances that a low-risk offender won't return to prison, thereby reducing the American taxpayer's cost to house these offenders.

In addition, the expansion of the Reprimand Sanction Hearings Program to increase the number of offenders referred to the Parole Commission for violating the administrative conditions of their release will prevent many offenders from returning to prison. The USPC also initiated a "Notice to Appear Project," increasing the use of the summons to target non-violent offenders who do not pose a danger to the community and are likely to appear. We expect the Notice to Appear Project to reduce hardship on offenders and their family by allowing them to remain in the community pending revocation proceedings as well as reduce the overall time in custody. The hope is that this effort will provide an opportunity for offenders to return to compliant behavior.

USPC has also initiated a pilot program, Short-term Intervention for Success (SIS), to provide significantly shorter terms of incarceration in order to gain the offender's cooperation as a partner for success by remaining crime free to successfully complete their term of supervision. During the SIS pilot, the Commission agreed that it would limit the prison term to no more than eight months for those approved for the pilot. Since its inception, there have been approximately 250 persons approved for the SIS pilot. The average length of the prison term for those approved for the project has been 3.5 months. The average length of the prison term for similarly situated administrative violators was about 11 months for the two year period preceding the implementation of this pilot project. The reduced prison sanctions alone have saved the government significant incarceration costs. The Commission will be compiling statistics regarding the recidivism rates of administrative violators that complete the short-term sanction versus those that served longer prison terms for similar violations prior to commencement of the project.

With the rise of the number of mentally ill persons appearing before the Parole Commission in revocation hearings, a pilot program to establish a Mental Health hearing docket was created in FY 2012 to conduct up to eight hearings a month for men and women diagnosed with mental health disorders. Of the 7,615 offenders under supervision in D.C., 21% have a mental health disorder. Studies have shown that people with mental health disorders recidivate at a higher rate than those without such disorders. The goal is to increase the treatment engagement of mentally

ill offenders to reduce their risk in the community, reduce the rate of recidivism and, thereby, reduce the cost of incarceration. USPC must address non-compliance, determine sanctions that would allow the offender to remain in the community under supervision, and work collectively with our criminal justice partners, such as CSOSA, to ensure that an agreed upon case plan would be followed.

Finally, the Parole Commission continues to develop and implement enhanced strategies to evaluate reentry and supervision that will ensure community safety, reduce serious violent crime, and reduce recidivism. As emphasized in previous budget justifications, a special focus will be placed on those offenders involved in sex offenses, domestic violence, gang affiliation, child abuse, and firearms offenses.

In FY 2011, the average cost for the Bureau of Prisons to confine an inmate was about \$29,000 annually. Based on this figure and the Parole Commission's projection that nearly 300 offenders annually can be diverted from lengthy stays in federal prisons, the American taxpayer can avoid almost \$9 million in prison costs each year by promoting alternatives to incarceration and reducing recidivism. The additional benefits increase dramatically when one considers that those returned to the community will find work and become tax-paying citizens, adding to the coffers of the U.S. Treasury.

The Parole Commission continues to support the Second Chance Act of 2007 objective to ensure the safe and successful return of prisoners to the community with the aforementioned programs. The Administration has continued to invest in new strategies and policies in accordance with the Act. The first stated purpose of the Act is: "...to break the cycle of criminal recidivism, increase public safety, and help states, local units of government, and Indian Tribes, better address the growing population of criminal offenders who return to their communities and commit new crimes..." The nation's current constrained fiscal situation demands that we try new cost-effective approaches to reducing recidivism, thereby reducing taxpayer costs while simultaneously enhancing public safety. Our core mission supports that philosophy, which continues to be an Administration priority.

In FY 2012, the Parole Commission held its first annual Re-Entry and Community Service Awards Program in recognition of the success of the re-entrant population and their considerable contributions to the community. The participants successfully returned to the community, completed supervision while rebuilding their lives, and in the process of re-connecting with their families and the community, found ways to assist others in achieving worthy goals. At the ceremony, the Chairman of the Commission noted that it is extremely important to recognize the success stories of those who effectively complete supervision and that "...too often, negative imaging and messaging prevail in the public sentiment, failing to recognize the positive impact re-entrants contribute to our communities." Those honored gave back to the community in a number of ways: by working to feed the homeless; serving the constituents of the District of Columbia through government action; and, by promoting the importance of an education to inner-city students.

2. PERFORMANCE AND RESOURCES TABLE												
Decision Unit: U.S. Parole Commission												
WORKLOAD/ RESOURCES		Target		Projected Actual		Projected		Changes		Requested (Total)		
TYPE/ STRATEGIC OBJECTIVE	Program Activity	FY 2012		FY 2012		FY 2013		Current Services Adjustments and FY 2014 Program Change		FY 2014 Request		
		FTE	\$0	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	
		87	12,833	87	12,833	74	12,912		109	74	0	13,021
PERFORMANCE												
U.S. Parole Commission												
Performance Measure	Warrants	2,000		2,364		2,000		-			2,000	
Performance Measure	Appeals	160		223		160		-			160	
Performance Measure	Parole Hearings	2,000		2,210		2,000		-			2,000	
Performance Measure	Revocation Hearings	1,200		1,758		1,500		-			1,500	
Performance Measure	Supervised Release	1,500		1,651		1,500		-			1,500	

PERFORMANCE MEASURE TABLE - CURRENT							
Decision Unit: U.S. Parole Commission							
		FY 2010	FY 2011	FY 2012	FY 2013		FY 2014
Performance Report and Performance Plan Targets		Actual	Actual	Target	Actual	Target	Target
Performance Measure	Warrants	2,352	2,494	2,000	2,364	2,000	2,000
Performance Measure	Appeals	165	206	160	223	160	160
Performance Measure	Parole Hearings	2,194	2,277	2,000	2,210	2,000	2,000
Performance Measure	Revocation Hearings	1,285	1,555	1,200	1,758	1,500	1,500
Performance Measure	Supervised Release	1,639	1,878	1,500	1,651	1,500	1,500

The following proposed measures are not available at this time; however, the Commission is in the process of developing systems that will capture the proposed measures and will begin collecting such data in FY 2013. We fully expect to be able to provide our first report highlighting outcomes by FY 2014.

PERFORMANCE MEASURE TABLE - PROPOSED									
Decision Unit: U.S. Parole Commission									
Performance Report and Performance Plan Targets		FY 2010	FY 2011	FY 2012	FY 2012	FY 2012	FY 2013	FY 2014	
		Actual	Actual	Target	Actual	Target	Target	Target	
Performance Measure	% of all non-violent cases that were provided alternatives to incarceration. The alternatives include:	N/A	N/A	N/A	N/A	N/A	Developing Baseline	TBD	
	Drug treatment	N/A	N/A	N/A	N/A	N/A	Developing Baseline	TBD	
	Mental health treatment	N/A	N/A	N/A	N/A	N/A	Developing Baseline	TBD	
	Reprimand Sanction Hearing Program	N/A	N/A	N/A	N/A	N/A	Developing Baseline	TBD	
	Letters of Reprimand	N/A	N/A	N/A	N/A	N/A	Developing Baseline	TBD	
	Notice to Appear	N/A	N/A	N/A	N/A	N/A	Developing Baseline	TBD	
	Continued supervision in the community	N/A	N/A	N/A	N/A	N/A	Developing Baseline	TBD	
	Adjust conditions of release in the community	N/A	N/A	N/A	N/A	N/A	Developing Baseline	TBD	

Outcome	% of offenders provided alternatives to incarceration that do not re-offend during the first year:	N/A	N/A	N/A	N/A	Developing Baseline	TBD
	Drug treatment	N/A	N/A	N/A	N/A	Developing Baseline	TBD
	Mental health treatment	N/A	N/A	N/A	N/A	Developing Baseline	TBD
	Reprimand Sanction Hearing Program	N/A	N/A	N/A	N/A	Developing Baseline	TBD
	Letters of Reprimand	N/A	N/A	N/A	N/A	Developing Baseline	TBD
	Notice to Appear	N/A	N/A	N/A	N/A	Developing Baseline	TBD
	Continued supervision in the community	N/A	N/A	N/A	N/A	Developing Baseline	TBD
	Adjust conditions of release in the community	N/A	N/A	N/A	N/A	Developing Baseline	TBD
Performance Measure	% of offenders with low-level violations eligible for reduced sentences without a hearing.	N/A	N/A	N/A	N/A	Developing Baseline	TBD
Outcome	Increase in the percentage of offenders offered reduced sentences without a hearing.	N/A	N/A	N/A	N/A	Developing Baseline	TBD
Performance Measure	Number of warrants issued for arrests of violence (e.g.,	N/A	N/A	N/A	N/A	Developing Baseline	TBD

	domestic assault, possession/use of weapon, sexual assault, robbery).								
Outcome	Percentage of offenders held in custody due to probable cause.	N/A	N/A	N/A	N/A	N/A	Developing Baseline	TBD	

3. Performance, Resources and Strategies

The USPC contributes to the Department's Strategic Goal 3: Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal, and International Levels. Within this Goal, USPC's resources specifically address one of the Department's Strategic Objectives: 3.3 – provide for the safe, secure, humane, and cost-effective confinement of detainees awaiting trial and/or sentencing, and those in the custody of the federal prison system.

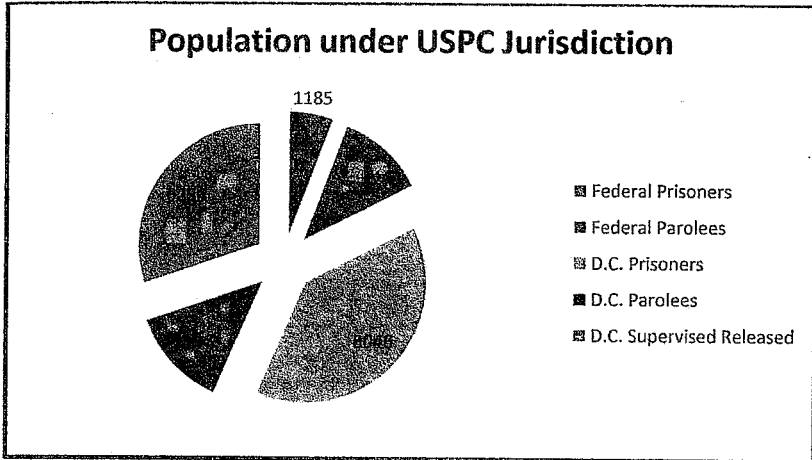
The USPC has developed programs to reduce recidivism, reduce prison overcrowding, reduce violent crime, and promote the public's safety. It complements the Department's efforts to reduce rates of recidivism among Federal and District of Columbia (D.C.) offenders and supports Departmental priorities, including:

- Reducing prison overcrowding
 - Reduce escalating and crippling costs for the federal and D.C. governments to house low risk, non-violent offenders for administrative violations.
- Lowering recidivism rates
 - Greater emphasis on reentry strategies, such as the substance abuse programs, Mental Health Pilot Program, Short-term Intervention for Success Pilot Program, and the Reprimand Sanction Hearing Program.
 - Measuring the effectiveness of the conditions imposed on offenders in the community
 - Establish graduated sanctions that permit the Parole Commission to address non-compliant behavior without returning the offender to prison
- Promoting alternatives to incarceration
 - Identifying and implementing programs to assist offenders in maintaining success under supervision
 - Developing and implementing a program to send offenders to treatment programs
 - Establish graduated sanctions that permit the Parole Commission to address non-compliant behavior without returning the offender to prison
- Reducing violent crime, especially crime perpetuated with guns or by gangs
 - Significantly reduce delays in the issuance of warrants needed to apprehend violent offenders
 - Sharing information and collaborating with other federal, state, and local law enforcement partners

a. Changes in Population and Workload

In FY 2011, the Parole Commission's total prisoner and parolee population, federal and D.C., including D.C. supervised releases, was approximately 20,680. The D.C. population under the Parole Commission's jurisdiction was 17,049, including 8,046 prisoners and 9,003 parolees and supervised releases. The remaining 3,631 individuals consist of federal offenders (including federal prisoners, parolees, transfer treaty, and military justice offenders) and state probationers and parolees in the Federal Witness Protection Program.

The following chart describes the FY 2011 population under USPC's jurisdiction, as highlighted in the April 2012 Parole Commission Report to Congress required by the United States Parole Commission Extension Act of 2011, Pub. L. 112-44:



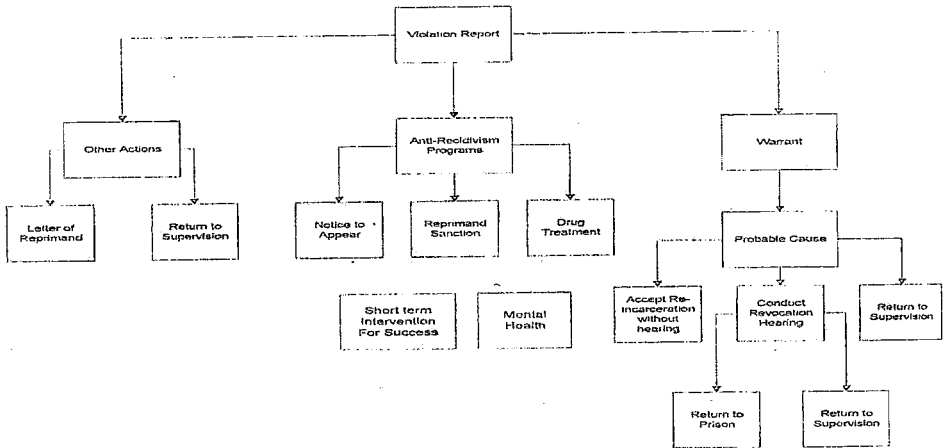
Much of the D.C. caseload is driven by the management and evaluation of the progress of offenders in the community; the tracking of those at risk; the imposition of additional sanctions or conditions to ensure public safety; and finally, requests for warrants as a result of violations of the terms and conditions of parole. When a warrant is issued, a request for a preliminary interview follows, and a hearing follows.

Local revocation hearings are held at facilities in the locality where a parolee has been arrested, and they require much more work because the hearings are adversarial. An offender may contest the charges and is entitled to representation by an attorney, along with the ability to call witnesses. Additionally, these hearings are more costly to the Parole Commission, because they often involve travel to a remote location, where the examiner is only able to handle a particular case. In an institutional hearing, the parolee has admitted to the charges or been convicted of new criminal activity, and the issues to be heard involve the degree of responsibility and the length of additional incarceration. Institutional hearings are less costly, because the examiner can handle several cases during one docket. The Parole Commission has determined that local revocations are about 2-3 times as labor intensive as institutional hearings.

b. Performance Plan and Strategies to Accomplish Outcomes

The USPC continues to collaborate with CSOSA to develop new performance measures that will identify the effectiveness of the Parole Commission's strategy to reduce recidivism.

In its effort to reduce recidivism, the Parole Commission has developed graduated sanctions to address non-compliant behavior thereby reducing the number of low-risk, non-violent offenders returning to prison. The flow chart below displays the process the Parole Commission follows after it receives a violation report and determines the best approach for a particular offender:



One major goal of the Parole Commission is to issue warrants for those that willfully violate the conditions of their release and for those with the most egregious behavior, typically tied to violence, child abuse, sex offenses, etc. This approach will keep our communities safe while also returning the more productive, low-risk offenders back to the community in a timely and cost efficient manner. The long-term goals and outcomes USPC plans to track includes:

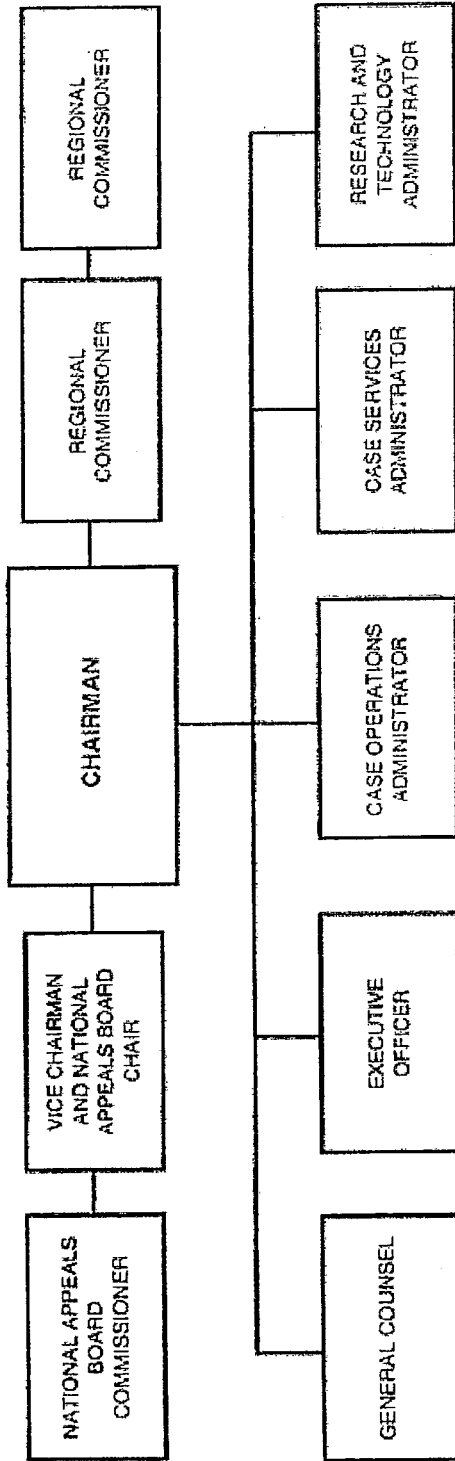
- the percentage of low-risk, non-violent cases that are provided drug treatment, quick hits, and warnings instead of incarceration,
- the percentage of offenders with low-level violations offered reduced sentences without a hearing, and
- the percentage of warrants approved and issued for offenders violating their conditions of release while under USPC supervision in the community.

For low-risk non-violent offenders, the USPC is pursuing a strategy focused on increasing the number of low-risk offenders returned to supervision rather than being subjected to a probable

cause hearing, which would likely result in a revocation of parole and a return to prison. The key programs in reducing the rate of recidivism include:

- the use of a notice ordering the appearance of an offender under supervision in the community to appear at a revocation hearing,
- the use of reprimand sanctions hearings to confront an offender to address non-compliant behavior and to make a commitment to make positive behavioral changes, thus complying with the conditions of release,
- the use of drug treatment centers to address an offender's drug abuse problem thereby reducing the chance of returning to prison, and
- the use of mental health pilot program to address non-compliant behavior, determine sanctions and develop a case plan that allows the offender to remain in the community.

UNITED STATES PAROLE COMMISSION



Approved by

ERIC H. HOLDER, JR.
Attorney General

Date: Dec. 21, 2010

B. Summary of Requirements

Summary of Requirements
United States Park Commission
Salaries and Expenses
(Dollars in Thousands)

	FY 2014 Request		
	Direct Pos.	Estimate FTE	Amount
2012 Enacted	85	74	12,833
Total 2012 Enacted (with Balance Rescission)	85	74	12,833
2013 Continuing Resolution			
2013 CR 0.612% Increase			79
Total 2013 Continuing Resolution (with Balance Rescission and Supplemental)	85	74	12,912
Technical Adjustments			
Adjustment - 2013 CR 0.612%			-79
Total Technical Adjustments	0	0	-79
Base Adjustments			
Transfers:			
JCON and JCON SITS	0	0	38
Pay and Benefits	0	0	120
Domestic Rent and Facilities	0	0	30
Total Base Adjustments	0	0	188
Total Technical and Base Adjustments	0	0	109
2014 Current Services	85	74	13,021
2014 Total Request	85	74	13,021
2014 Total Request (with Balance Rescission)	85	74	13,021
2012 - 2014 Total Change	0	0	168

Note: The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

B. Summary of Requirements

Summary of Requirements
United States Parole Commission
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	2012 Appropriation Enacted			2013 Continuing Resolution *			2014 Technical and Base Adjustments			2014 Current Services		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
U. S. Parole Commission	85	74	12,833	85	74	12,912	85	74	109	85	74	13,021
Total Direct	85	74	12,833	85	74	12,912	85	74	109	85	74	13,021
Total Direct with Rescission			12,833			12,912			109			13,021
Reimbursable FTE		0			0			0			0	
Total Direct and Reimb. FTE		74			74			0			74	
Other FTE: LEAP		0			0			0			0	
Overtime		0			0			0			0	
Grand Total, FTE		74			74			0			74	

Program Activity	2014 Increases			2014 Offsets			2014 Requests		
	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
U. S. Parole Commission	0	0	0	0	0	0	85	74	13,021
Total Direct	0	0	0	0	0	0	85	74	13,021
Total Direct with Rescission			0			0			13,021
Reimbursable FTE		0			0			0	
Total Direct and Reimb. FTE		0			0			74	
Other FTE: LEAP		0			0			0	
Overtime		0			0			0	
Grand Total, FTE		0			0			74	

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101(e)).

D. Resources by DOJ Strategic Goal and Strategic Objective

Resources by Department of Justice Strategic Goal/Objective
 United States Parole Commission
 Salaries and Expenses
 (Dollars in Thousands)

Strategic Goal and Strategic Objective	2012 Appropriation			2013 Continuing			2014 Current Services			2014 Increases			2014 Offsets			2014 Total Request		
	Direct Amount	Direct Reimb FTE	Direct Reimb FTE	Direct Amount	Direct Reimb FTE	Direct Reimb FTE	Direct Amount	Direct Reimb FTE	Direct Reimb FTE	Direct Amount	Direct Reimb FTE	Direct Reimb FTE	Direct Amount	Direct Reimb FTE	Direct Reimb FTE	Direct Amount	Direct Reimb FTE	Direct Reimb FTE
Goal 1 Prevent Terrorism and Promote the Nation's Security																		
Consistent with the Rule of Law																		
1.1 Prevent, disrupt, and defeat terrorist operations before they occur.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1.2 Prosecute those involved in terrorist acts.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1.3 Combat espionage against the United States.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal, Goal 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Goal 2 Prevent Crime, Protect the Rights of the American People, and enforce Federal Law																		
2.1 Combat the threat, incidence, and prevalence of violent crime.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2.2 Prevent and intervene in crimes against vulnerable of violent crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2.3 Combat the threat, trafficking, and use of illegal drugs and the olive	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2.4 Combat corruption, economic crimes, and international organized	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2.5 Promote and protect Americans' civil rights.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2.6 Protect the federal fisc and defend the interests of the United States	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal, Goal 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Goal 3 Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal and International Levels.																		
3.1 Promote and Strengthen relationship and strategies for the administration of justice with state, local, tribal and international	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3.2 Protect judges, witnesses, and other participants in federal proceedings; apprehend fugitives; and ensure the appearance of criminal defendants for judicial proceedings or confinement.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3.3 Provide for the safe, secure, humane, and cost-effective confinement of detainees awaiting trial and sentencing, and	74	12,533	74	12,512	74	13,021	74	13,021	74	0	0	0	0	0	0	74	13,021	74
3.4 Adequately all immigration cases promptly and impartially in accordance with due process.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal, Goal 3	74	12,533	74	12,512	74	13,021	74	13,021	74	0	0	0	0	0	0	74	13,021	74
TOTAL	74	12,533	74	12,512	74	13,021	74	13,021	74	0	0	0	0	0	0	74	13,021	74

NOTE: Excludes Balance Recission and/or Supplemental Appropriations.

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuum Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

E. Justification for Technical and Base Adjustments

Justifications for Technical and Base Adjustments

United States Parole Commission

Salaries and Expenses

(Dollars in Thousands)

	Direct Pos.	Estimate FTE	Amount
Technical Adjustments			
1 Adjustment--2013 CR 0.812%: PL 112-175 section 101 (c) provided 0.612% across the board increase above the current rate for the 2013 CR funding level. This adjustment reverses this increase.	0	0	-79
Transfers			
1 JCON and JCON S/T/S: A transfer of \$25,000 is included in support of the Department's Justice Consolidated Office Network (JCON) and JCON S/T/S programs which will be moved to the Working Capital Fund and provided as a billable service in FY 2014.	0	0	-79
Pay and Benefits			
1 2014 Pay Rates: This request provides for a proposed 1 percent pay raise to be effective in January of 2014. The amount requested, \$73,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$51,000 for pay and \$22,000 for benefits.)	0	0	38
2 Annualization of 2013 Pay Rates: This pay annualization represents first quarter amounts (October through December) of the 2013 pay increase of 0.5% included in the 2013 President's budget. The amount requested \$12,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$ 8,400 for pay and \$3,600 for benefits.)	0	0	38
3 Health Insurance: Effective January 2014, the component's contribution to Federal employees' health insurance increases by 6.3 percent. Applied against the 2013 estimate of \$417,000, the additional amount required is \$26,000.	0	0	73
4 Retirement: Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Social Security Administration projections, the Department's retirement obligations will increase by \$20,000 in 2014. The requested increase of \$20,000 is necessary to meet our increased retirement obligations as a result of this conversion.	0	0	12
Domestic Rent and Facilities			
1 General Services Administration (GSA) Rent: GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$26,000 is required to meet our commitment to GSA. This cost is assessed to the Department through the use of an allocated system of indirect costs. The requested increase of \$26,000 is required to be effective FY 2014 for each building occupied by Department of Justice components, as well as the costs of new space to be occupied. GSA provides data on the rate increases.	0	0	20
2 Guard Services: The Department of Homeland Security (DHS) Federal Protective Service charges, Justice Protective Service charges and other security services across the country. The requested increase of \$4,000 is required to meet these commitments.	0	0	4
TOTAL DIRECT TECHNICAL AND BASE ADJUSTMENTS			
Subtotal, Domestic Rent and Facilities			30
Subtotal, Pay and Benefits			109

Crosswalk of 2012 Availability
United States Parole Commission
Salaries and Expenses
(Dollars in Thousands)

Program Activity	2012 Appropriation Enacted w/o Balance Rescission			Balance Rescission			Reprogramming/Transfers			Carryover Amount	Recoveries/ Refunds Amount	2012 Actual		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount			Direct Pos.	Actual FTE	Amount
U.S. Parole Commission	85	74	12,833	0	0	0	0	0	0	0	0	65	74	12,833
Grand Total, FTE		74		0	0	0	0	0	0				74	

G. Crosswalk of 2013 Availability

Crosswalk of 2013 Availability
United States Parole Commission
Salaries and Expenses
(Dollars in Thousands)

Program Activity	FY 2013 Continuing Resolution			Supplemental Appropriation Amount	Reprogramming/Transfers			Carryover Amount	Recoveries/Refunds Amount	2013 Availability		
	Direct Pos.	Estim. FTE	Amount		Direct Pos.	Estim. FTE	Amount			Direct Pos.	Estim. FTE	Amount
U.S. Parole Commission	85	74	12,912	0	0	0	0	0	0	85	74	12,912
Total Direct	85	74	12,912	0	0	0	0	0	0	85	74	12,912
Total Direct with Rescission			12,912									12,912
Grand Total, FTE		74				0		0			74	

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 c)

H. Summary of Reimbursable Resources

Summary of Reimbursable Resources
United States Parole Commission
Salaries and Expenses
(Dollars in Thousands)

Collections by Source	2012 Actual			2013 Planned			2014 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
Office for Victims of Crime	0	0	68	0	0	68	0	0	0	0	0	-68
Budgetary Resources	0	0	68	0	0	68	0	0	0	0	0	-68

Obligations by Program Activity	2012 Actual			2013 Planned			2014 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
U. S. Parole Commission	0	0	68	0	0	68	0	0	0	0	0	-68
Budgetary Resources	0	0	68	0	0	68	0	0	0	0	0	-68

I. Detail of Permanent Positions by Category

Detail of Permanent Positions by Category
United States Parole Commission
 Salaries and Expenses
 (Dollars in Thousands)

Category	2012 Appropriation Enacted		2013 Continuing Resolution		2014 Request		Total Reimb. Pos.
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.	Program Increases	Program Offsets	
Commissioners (165)	5	0	5	0	0	0	0
Clerical and Office Services (300-309)	34	0	34	0	0	0	0
Accounting and Budget (500-599)	2	0	2	0	0	0	0
Attorneys (905)	7	0	7	0	0	0	0
Case Analysts (101)	18	0	18	0	0	0	0
Hearing Examiners (101)	12	0	12	0	0	0	0
Information Technology Mgmt (2210)	7	0	7	0	0	0	0
Total	85	0	85	0	0	0	85
Headquarters (Washington, D.C.)	85	0	85	0	0	0	0
U.S. Field	0	0	0	0	0	0	0
Foreign Field	0	0	0	0	0	0	0
Total	85	0	85	0	0	0	85

K. Summary of Requirements by Grade

Summary of Requirements by Grade
 United States Parole Commission
 Salaries and Expenses
 (Dollars in Thousands)

Grades and Salary Ranges		2012 Enacted		2013 Continuing Resolution		2014 Request		Increase/Decrease	
		Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount
EX	\$ 145,700 - 199,700	5	0	5	0	5	0	0	0
GS-15	\$ 123,758 - 155,500	6	0	6	0	6	0	0	0
GS-14	\$ 105,211 - 136,771	14	0	14	0	14	0	0	0
GS-13	\$ 89,033 - 115,742	9	0	9	0	9	0	0	0
GS-12	\$ 74,872 - 97,333	10	0	10	0	10	0	0	0
GS-11	\$ 62,467 - 81,204	6	0	6	0	6	0	0	0
GS-10	\$ 56,857 - 73,917	1	0	1	0	1	0	0	0
GS-9	\$ 51,630 - 67,114	9	0	9	0	9	0	0	0
GS-8	\$ 46,745 - 60,765	4	0	4	0	4	0	0	0
GS-7	\$ 42,209 - 54,875	9	0	9	0	9	0	0	0
GS-6	\$ 37,983 - 49,375	9	0	9	0	9	0	0	0
GS-5	\$ 37,075 - 44,293	3	0	3	0	3	0	0	0
Total, Appropriated Positions		85	0	85	0	85	0	0	0
Average EX Salary			149,627		157,108		157,108		
Average GS Salary			80,364		84,382		85,226		
Average GS Grade			12		12		12		

L. Summary of Requirements by Object Class

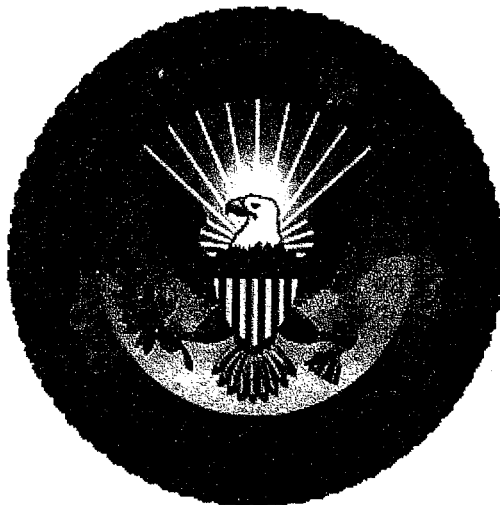
Summary of Requirements by Object Class

United States Parole Commission
Salaries and Expenses
(Dollars in Thousands)

Object Class	2012 Actual		2013 Availability *		2014 Request		Increase/Decrease	
	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	FTE	Amount
11.1 Full-Time Permanent	70	6,108	70	6,828	70	6,938	0	110
11.3 Other than Full-Time Permanent	4	639	4	358	4	364	0	6
11.5 Other Personnel Compensation	0	116	0	31	0	0	0	-31
Overtime	0	31	0	31	0	0	0	0
Other Compensation	0	85	0	0	0	0	0	0
11.8 Special Personal Services Payments	0	0	0	0	0	0	0	0
Total	74	6,863	74	7,217	74	7,302	0	85
Other Object Classes								
12.0 Personnel Benefits		2,099		2,281		2,316		35
21.0 Travel and Transportation of Persons		180		163		145		-18
22.0 Transportation of Things		24		47		43		-4
23.1 Rental Payments to GSA		753		2,007		2,033		26
23.2 Rental Payments to Others		86		60		99		39
23.3 Communications, Utilities, and Miscellaneous Charges		119		98		98		0
24.0 Printing and Reproduction		2		2		2		0
25.0 Other Services		2,513		967		913		-54
26.0 Supplies and Materials		125		25		25		0
31.0 Equipment		125		45		45		0
Total Obligations		12,807		12,912		13,021		109
Subtract - Unobligated Balance, Start-of-Year		0		0		0		0
Subtract - Transfers/Reprogramming		0		0		0		0
Subtract - Recoveries/Refunds		0		0		0		0
Add - Unobligated End-of-Year, Available		26		0		0		0
Add - Unobligated End-of-Year, Expiring		0		0		0		0
Total Direct Requirements	0	12,833	0	12,912	0	13,021	0	109
Reimbursable FTE								
Full-Time Permanent	0	0	0	0	0	0	0	0
23.1 Rental Payments to GSA (Reimbursable)		0		0		0		0
25.3 Other Goods and Services from Federal Sources - DHS Security (Reimbursable)		0		0		0		0

*The 2013 Availability includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

**FY 2014
Performance Budget
Congressional Submission**



NATIONAL SECURITY DIVISION

U.S. Department of Justice

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I. Overview for National Security Division

A. Introduction

The National Security Division (NSD) is responsible for combating terrorism and other threats to the national security—the Department of Justice’s (DOJ’s) highest priority. To sustain mission needs, NSD requests for FY 2014 a total of 389 positions (including 256 attorneys), 325 FTE, and \$96,240,000. This request includes growth of approximately 8% in positions and 10% in total funding – a total change of 30 positions, 21 FTE, and \$8,708,000.¹

Electronic copies of the Department of Justice’s Congressional Budget Justifications, Capital Asset Plan, and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.justice.gov/02organizations/bpp.htm>.

B. Background

Earlier this year, NSD engaged in a comprehensive strategic assessment of the Division’s current operations and future requirements. As a result of that assessment, NSD has outlined four areas of new or renewed focus that will guide its operations in the coming years. They are:

- Combating cyber threats to the national security and protecting national security assets;
- Enhancing NSD’s intelligence programs and expanding its intelligence oversight function;
- Continuing to bring an all-tools, integrated approach to NSD’s work, while also adapting to address the changing face of terrorism; and
- Reinvigorating NSD’s development into a mature Division – capable of keeping pace with its national security partners and outpacing the threats this nation faces.

All of the program increases reflected in NSD’s FY 14 request map to these strategic goals and priorities and will ensure that NSD remains best positioned to fulfill the Department’s top priority mission in the face of increasing challenges and a growing and evolving threat. NSD’s assessment of the challenges inherent in fully realizing its goals in these areas are outlined more fully in section I.D. Performance Challenges, below.

Division Structure

The NSD consolidates within a single Division the Department’s primary national security elements outside of the Federal Bureau of Investigation (FBI), which currently are the:

¹ Within the totals outlined above, NSD has included a total of 9 positions, 9 FTE, and \$11,150,000 for Information Technology (IT).

- Office of Intelligence (OI);
- Counterterrorism Section (CTS);
- Counterespionage Section (CES);
- Law and Policy Office (L&P); and
- Office of Justice for Victims of Overseas Terrorism (OVT).

This organizational structure strengthens the effectiveness of the Department's national security efforts by ensuring greater coordination and unity of purpose between prosecutors, law enforcement agencies, intelligence attorneys, and the Intelligence Community (IC).

NSD Major Responsibilities

Intelligence Operations and Litigation

- Ensuring that IC agencies have the legal tools necessary to conduct intelligence operations.
- Representing the United States before the Foreign Intelligence Surveillance Court (FISC) to obtain authorization under the Foreign Intelligence Surveillance Act (FISA) for government agencies to conduct intelligence collection activities;
- Coordinating and supervising intelligence-related litigation matters, including the evaluation and review of requests to use information collected under FISA in criminal and non-criminal proceedings and to disseminate FISA information; and
- Serving as the Department's primary liaison to the Director of National Intelligence and the IC.

Counterterrorism

- Promoting and overseeing a coordinated national counterterrorism enforcement program, through close collaboration with Department leadership, the National Security Branch of the FBI, the IC, and the 94 United States Attorneys' Offices (USAOs);
- Developing national strategies for combating emerging and evolving terrorism threats, including the threat of cyber-based terrorism;
- Overseeing and supporting the Anti-Terrorism Advisory Council (ATAC) program by: 1) collaborating with prosecutors nationwide on terrorism matters, cases, and threat information; 2) maintaining an essential communication network between the Department and USAOs for the rapid transmission of information on terrorism threats and investigative activity; and 3) managing and supporting ATAC activities and initiatives;
- Consulting, advising, and collaborating with prosecutors nationwide on international and domestic terrorism investigations, prosecutions, and appeals, including the use of classified evidence through the application of the Classified Information Procedures Act (CIPA);

- Sharing information with and providing advice to international prosecutors, agents, and investigating magistrates to assist in addressing international threat information and litigation initiatives; and
- Managing DOJ's work on counter-terrorist financing programs, including supporting the process for designating Foreign Terrorist Organizations and Specially Designated Global Terrorists as well as staffing U.S. Government efforts on the Financial Action Task Force.

Counterespionage

- Supporting and supervising the investigation and prosecution of espionage and related cases through coordinated efforts and close collaboration with Department leadership, the FBI, the IC, and the 94 USAOs;
- Developing national strategies for combating the emerging and evolving threat of cyber-based espionage and state-sponsored cyber intrusions;
- Assisting in and overseeing the expansion of investigations and prosecutions into the unlawful export of military and strategic commodities and technology, including by assisting and providing guidance to USAOs in the establishment of Export Control Proliferation Task Forces;
- Coordinating and providing advice in connection with cases involving the unauthorized disclosure of classified information and supporting resulting prosecutions by providing advice and assistance with the application of CIPA; and
- Enforcing the Foreign Agents Registration Act of 1938 (FARA) and related disclosure statutes.

Oversight and Reporting

- Overseeing certain foreign intelligence, counterintelligence, and other national security activities of IC components to ensure compliance with the Constitution, statutes, and Executive Branch policies to protect individual privacy and civil liberties;
- Monitoring certain intelligence and counterintelligence activities of the FBI to ensure conformity with applicable laws and regulations, FISC orders, and Department procedures, including the foreign intelligence and national security investigation provisions of the Attorney General's Guidelines for Domestic FBI Operations; and
- Fulfilling statutory, Congressional, and judicial reporting requirements related to intelligence, counterintelligence, and other national security activities.

Policy and Other Legal Issues

- Handling appeals in cases involving national security-related prosecutions, and providing views on appellate issues that may impact national security in other civil, criminal, and military commissions cases;
- Providing legal and policy advice on the national security aspects of cybersecurity policy and cyber-related operational activities;
- Providing advice and support on national security issues that arise in an international context, including assisting in bilateral and multilateral engagements with foreign governments and working to build counterterrorism capacities of foreign governments and enhancing international cooperation;
- Providing advice and support on legislative matters involving national security issues, including developing and commenting on legislation, supporting Departmental engagements with members of Congress and Congressional staff, and preparing testimony for senior Division/Department leadership;
- Providing legal assistance and advice on matters arising under national security laws and policies, and overseeing the development, coordination, and implementation of Department-wide policies with regard to intelligence, counterintelligence, counterterrorism, and other national security matters; handling issues related to classification and declassification of records, records management, and freedom of information requests and related litigation; and
- Developing a training curriculum for prosecutors and investigators on cutting-edge tactics, substantive law, and relevant policies and procedures.

Foreign Investment

- Performing the Department's staff-level work on the Committee on Foreign Investment in the United States (CFIUS), which reviews foreign acquisitions of domestic entities that might affect national security and makes recommendations to the President on whether such transactions are a threat;
- Tracking and monitoring certain transactions that have been approved, including those subject to mitigation agreements, and identifying unreported transactions that might merit CFIUS review;
- Responding to Federal Communication Commission (FCC) requests for the Department's views relating to the national security implications of certain transactions relating to FCC licenses; and
- Tracking and monitoring certain transactions that have been approved pursuant to this process.

Victims of Terrorism

- Through NSD's OVT, prioritizing within the Department the investigation and prosecution of terrorist attacks that have resulted in the deaths and/or injuries of American citizens overseas; and
- Ensuring that the rights of victims and their families are honored and respected, and that victims and their families are supported and informed during the criminal justice process.

NSD Recent Accomplishments (unclassified selections only)

- Conducted a top-to-bottom review of existing efforts to combat cyber threats to the national security (i.e., cyber-based terrorism, cyber-based espionage, and other state-sponsored cyber intrusions) to develop a baseline and chart a strategic vision for the future.
- Established a National Security Cyber Specialist Network to coordinate the Division's work to combat cyber threats to the national security, and to work with other components and the USAOs to ensure that the Department takes an all-tools approach to the problem.
- Selected a liaison to the FBI's National Cyber Investigative Joint Task Force to assist with intelligence-related issues and facilitate exploration of prosecution options.
- Filed 1,745 FISA applications with the FISC in 2011.
- Designated 166 international terrorism events to allow for U.S. victim compensation and reimbursement under the International Terrorism Victim Expense Reimbursement Program (ITVERP).
- Combated the growing threat posed by the illegal foreign acquisition of controlled U.S. military and strategic technologies through the National Export Enforcement Initiative.
- Continued to lead the nation's counterterrorism enforcement program through collaboration with Department leadership, the FBI, the IC, and the USAOs.
- Successfully investigated and prosecuted national security threat actors – specific examples detailed below.
- Managed an increased workload associated with the CFIUS.
- Established a Joint Task Force with the Department of State to be activated in the event of a terrorist incident against American citizens overseas.

C. Full Program Costs

The NSD has a single decision unit. Its program activities include intelligence, counterterrorism, and counterespionage, which are related to DOJ Strategic Goal 1: Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law, and its three Objectives. The costs by program activity include the activity's base funding plus an allocation of management, administration, and L&P overhead costs. The overhead cost is allocated based on the percentage of the total cost comprised by each of the three program activities.

D. Performance Challenges

Protecting the nation's security is the top priority for the Department, and NSD's work is critical to that mission. However, as the threats facing this nation continue to grow and evolve, the challenges NSD must overcome also continue to increase. These challenges include:

1. the recent recognition of an explosive growth of cyber threats to the national security;
2. the changing face of terrorism and the risks posed by homegrown violent extremists;
3. an increasing workload in intelligence operations, litigation, and oversight; and
4. difficulties inherent in supporting the development of a young Division in an ever-changing environment.

Among the most significant challenges that NSD faces is the rapid expansion and evolution of cyber threats to the national security. Representatives from the IC have assessed that the cyber threat may soon surpass that of traditional terrorism, and NSD must be prepared to take lessons learned over the past decade and adapt them to this new threat. Cyber threats, which are highly technical in nature, require time-intensive and complex investigative and prosecutorial work, particularly given their novelty, the difficulties of attribution, challenges presented by electronic evidence, the speed and global span of cyber activity, and the balance between prosecutorial and intelligence-related interests in any given case. To meet this growing threat head on, NSD must equip its personnel with cyber-related skills through additional training while recruiting and hiring individuals with cyber skills who can dedicate themselves full-time to these issues immediately. The window of opportunity for getting ahead of this threat is narrow; closing the gap between our present capabilities and our anticipated needs in the near future will require significant resources and commitment.

The threat posed by terrorism has also evolved, having grown and splintered in recent years. Lone wolves and homegrown violent extremists have grown in national prominence, and identifying and disrupting these isolated actors and their operations pose distinct challenges for investigators and prosecutors.

Given the complexity—and range—of the Department's national security prosecutions and investigations, NSD has seen steady growth in the number of FISA applications filed before the FISC, in requests for assistance in criminal litigation involving FISA-derived information, and in reporting obligations pertaining to national security activities – which ensure that congressional oversight committees are fully informed regarding such activities. This growth has outpaced attrition and has brought workloads, which are unlikely to diminish in the foreseeable future, to historic highs.

E. Environmental Accountability

NSD is committed to environmental wellness and participates in DOJ's green programs.

II. Summary of Program Changes

Item Name	Description				Page
		Pos.	FTE	Dollars (\$000)	
Combating Cyber Threats to National Security	Requesting additional resources for NSD's work related to combating cyber threats to national security.	26	13	\$3,468	28
Combating Homegrown Violent Extremist Threats	Requesting additional resources for NSD's work related to combating homegrown violent extremist threats.	2	1	320	37
Intelligence Collection and Oversight	Requesting additional resources for NSD's work related to intelligence collection and oversight.	2	1	320	39
TOTAL, NSD		30	15	\$4,108	

III. Appropriations Language and Analysis of Appropriations Language

Appropriations Language

SALARIES AND EXPENSES, NATIONAL SECURITY DIVISION

For expenses necessary to carry out the activities of the National Security Division, \$96,240,000, of which not to exceed \$5,000,000 for information technology systems shall remain available until expended: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Analysis of Appropriations Language

Only dollar amount changed. No substantive language changes proposed.

IV. Decision Unit Justification

National Security Division

<i>National Security Division</i>	Perm. Pos.	FTE	Amount
2012 Enacted	359	298	\$87,000,000
2012 Prior Year Balance Rescissions	0	0	0
2012 Enacted w/Rescissions	359	298	87,000,000
2013 Continuing Resolution	359	304	87,532,000
Adjustments to Base and Technical Adjustments	0	6	4,600,000
2014 Current Services	359	310	92,132,000
2014 Program Increases	30	15	4,108,000
2014 Program Offsets	0	0	0
2014 Request	389	325	96,240,000

<i>National Security Division Technology Breakout (of Decision Unit Total)</i>	Perm. Pos.	FTE	Amount
2012 Enacted	9	9	\$12,055,000
2012 Prior Year Balance Rescissions	0	0	0
2012 Enacted w/Rescissions	9	9	12,055,000
2013 Continuing Resolution	9	9	12,444,000
Adjustments to Base and Technical Adjustments	0	0	0
2014 Current Services	9	9	11,150,000
2014 Program Decreases	0	0	(1,294,000)
2014 Program Offsets	0	0	0
2014 Request	9	9	11,150,000
Total Change 2013-2014	0	0	(\$1,294,000)

1. Program Description

The National Security Division (NSD) is responsible for overseeing terrorism investigations and prosecutions; handling counterespionage cases and matters; protecting critical national assets from national security threats, and assisting the Attorney General and other senior Department and Executive Branch officials in ensuring that the national security-related activities of the United States are consistent with relevant law.

In coordination with the FBI, the IC, and the USAOs, NSD's primary operational functions are to prevent acts of terrorism and espionage from being perpetrated in the United States by foreign powers and to facilitate the collection of information regarding the activities of foreign agents and powers. The NSD also advises the Attorney General on all matters relating to the national

security activities of the United States, and develops strategies for emerging national security threats – including cyber threats to the national security.

On the intelligence front, NSD administers the U.S. Government's national security program for conducting electronic surveillance and physical search of foreign powers and agents of foreign powers pursuant to FISA, and conducts oversight of certain activities of the IC components and the FBI's foreign intelligence and counterintelligence investigations pursuant to the Attorney General's guidelines for such investigations. NSD prepares and files all applications for electronic surveillance and physical search under FISA, represents the government before the Foreign Intelligence Surveillance Court (FISC), and – when evidence obtained under FISA is proposed to be used in a criminal proceeding – NSD obtains the necessary authorization for the Attorney General to take appropriate actions to safeguard national security. NSD also works closely with the Congressional Intelligence Committees to ensure they are apprised of Departmental views on national security and intelligence policy and are appropriately informed regarding operational intelligence and counterintelligence activities.

In addition, NSD advises a range of government agencies on matters of national security law and policy, participates in the development of national security and intelligence policy through the National Security Council-led Interagency Policy Committee and Deputies' Committee process, and represents the DOJ on a variety of interagency committees such as the Director of National Intelligence's FISA Working Group and the National Counterintelligence Policy Board. NSD comments on and coordinates other agencies' views regarding proposed legislation affecting intelligence matters, and advises the Attorney General and various client agencies, including the Central Intelligence Agency, the FBI, and the Defense and State Departments concerning questions of law, regulations, and guidelines as well as the legality of domestic and overseas intelligence operations.

NSD also serves as the staff-level DOJ representative on the CFIUS, which reviews foreign acquisitions of domestic entities affecting national security. In this role, NSD evaluates information relating to the structure of the transaction, any foreign government ownership or control, threat assessments provided by the IC, vulnerabilities resulting from the transaction, and ultimately the national security risks, if any, of allowing the transaction to proceed as proposed or subject to conditions. In addition, NSD tracks and monitors transactions that have been approved subject to mitigation agreements and seeks to identify unreported transactions that may require CFIUS review. On behalf of the Department, NSD also responds to FCC requests for Executive Branch determinations relating to the national security implications of certain transactions that involve FCC licenses. NSD reviews such license applications to determine if a proposed communication provider's foreign ownership, control, or influence poses a risk to national security, infrastructure protection, law enforcement interests, or other public safety concerns sufficient to merit mitigating measures or opposition to the transaction.

Finally, OVT ensures that the investigation and prosecution of terrorist attacks against American citizens overseas are a high priority within the Department of Justice. Among other things, OVT is responsible for monitoring the investigation and prosecution of terrorist attacks against

Americans abroad, working with other Justice Department components to ensure that the rights of victims of such attacks are honored and respected, establishing a Joint Task Force with the Department of State to be activated in the event of a terrorist incident against American citizens overseas, responding to Congressional and citizen inquiries on the Department's response to such attacks, compiling pertinent data and statistics, and filing any necessary reports with Congress.

2. Performance Tables

PERFORMANCE AND RESOURCES TABLE									
Decision Unit: National Security Division DOJ Strategic Goal/Objective: 1.1 Prevent, disrupt, and defeat terrorist operations before they occur; 1.2 Prosecute those involved in terrorist acts; and 1.3 Combat espionage against the United States.									
WORKLOAD/ RESOURCES									
	Target	Actual	Projected	Changes	Requested (Total)				
	FY 2012		FY 2013	Current Services Adjustments and FY 2014 Program Changes	FY 2014 Request				
Workload ¹									
Cases Opened	124	107	107	5					112
Cases Closed	102	102	102	5					107
Matters Opened	35,469	68,469	68,469	10,025					78,524
Matters Closed	35,392	68,392	68,392	10,019					78,411
FISA Applications Filed ²	CY 2012: 2,000 CY: 200	CY 2012: 2,000 CY: 200	CY 2012: 2,000 CY: 200	0					CY 2012: 2,200 CY: 200
National Security Reviews of Foreign Acquisitions ³				0					
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)									
	FTE \$000	FTE \$000	FTE \$000	FTE \$000	FTE \$000	FTE \$000	FTE \$000	FTE \$000	
	298 87,000	304 87,532	304 87,532	21 8,708					325 96,240
	FY 2012	FY 2013	FY 2013	Current Services Adjustments and FY 2014 Program Changes	FY 2014 Request				
Program Activity									
Intelligence									
Output Measure	FTE \$000	FTE \$000	FTE \$000	FTE \$000	FTE \$000	FTE \$000	FTE \$000	FTE \$000	
Output Measure	192 61,123	195 61,467	195 61,467	12 5,228					207 66,723
(measure discontinued beginning FY 2013)	CY: 82	CY: 82	CY: 82	7					CY: 89
Efficiency Measure	5.6% (increase of 59, from 1,024 to 1,053)								
Percentage of OVT responses to victims within 3 business days of victim request for information from OVT ⁴	80%								
Outcome Measure (new measure beginning FY 2013)									
Percentage of referrals for assistance received by OVT successfully resolved	NA								
Percentage of referrals for assistance received by OVT successfully resolved	NA								
Percentage of referrals for assistance received by OVT successfully resolved	80%								80%
Percentage of referrals for assistance received by OVT successfully resolved	95%								95%

¹Workload measures are not performance targets, rather they are estimates to be used for resource planning. In addition, these measures do not take into consideration potential policy changes.

²FISA applications filed data is based on historical averages and do not represent actual data, which remains classified until the public report is submitted to the Administrative Office of the US Courts and the Congress in April for the preceding calendar year.

³Beginning FY 2012, this measure will be tracked on a calendar year basis rather than a fiscal year basis (similar to other agencies in CJFUS and Team Telecom) for ease of reporting.

¹Workload measures are not performance targets, rather they are estimates to be used for resource planning. In addition, these measures do not take into consideration potential policy changes.

²Beginning FY 2012, this measure will be tracked on a calendar year basis rather than a fiscal year basis (similar to other agencies in CFUS and Team Telecom) for ease of reporting.

³This measure is tracked on a calendar year basis for ease of reporting.

⁴After a thorough review compiled during FY 2013, 32 victims identified during FY 2011 have been deleted from the database. The FY 2011 actual increase in victims identified is 463 with a cumulative total of 1,042. The FY 2012 baseline has been revised.

⁵The title of this measure has been modified from "Percentage of victims provided with service and/or compensation information within 3 business days of identification" to "Percentage of OVT responses to victims within 3 business days of victim request for information from OVT" for clarity.

PERFORMANCE MEASURE TABLE

Decision Unit: National Security Division

Performance Measure	Performance Report and Performance Plan Targets	FY 2006		FY 2007		FY 2008		FY 2009		FY 2010		FY 2011		FY 2012		FY 2013		FY 2014	
		Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target
Intelligence Community Oversight Reviews ¹		N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	CY: 92	CY: 92	CY: 92	CY: 92	CY: 92	CY: 92	CY: 92	CY: 92
Output Measure (discontinued beginning FY 2013)	Percent increase in the Number of U.S. Victims of Overseas Terrorism Identified Since Program Inception (Baseline: 50)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	93% (increase of 49% from 50 to 74)	93% (increase of 49% from 50 to 74)	93% (increase of 49% from 50 to 74)	93% (increase of 49% from 50 to 74)	93% (increase of 49% from 50 to 74)	93% (increase of 49% from 50 to 74)	93% (increase of 49% from 50 to 74)	93% (increase of 49% from 50 to 74)
Efficiency Measure	Percentage of OVT responses to victims within 3 business days of victim request for information from OVT ²	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	90%	90%	90%	90%	90%	90%	90%	90%
Outcome Measure (new beginning FY 2013)	Percentage of referrals for assistance received by OVT successfully resolved	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Outcome Measure	Percentage of CT defendants whose cases were favorably resolved ³	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	98%	98%	98%	98%	98%	98%	98%	98%
Outcome Measure	Percentage of CT cases where classified information is safeguarded (according to CIA requirements) without impacting the judicial process	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	98%	98%	98%	98%	98%	98%	98%	98%
Outcome Measure	Percentage of CE defendants whose cases were favorably resolved ⁴	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100%	100%	100%	100%	100%	100%	100%	100%
Performance Measure	FARA prosecutions completed	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	15	15	15	15	15	15	15	15
Performance Measure	High priority national security reviews completed ⁵	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	27	27	27	27	27	27	27	27
Outcome Measure	Percentage of CE cases where classified information is safeguarded (according to CIA requirements) without impacting the judicial process	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	99%	99%	99%	99%	99%	99%	99%	99%

¹This measure is tracked on a calendar year basis for ease of reporting.

²The FY 2009 annual for this measure was previously reported as 400% (increase of 200% from 50 to 250). However, during a recent audit by the Office of the Inspector General, it was determined that errors of the FY 2009 victim identified should have been identified at FY 2010. Additionally, one FY 2009 victim identified has been removed from the database, and therefore the FY 2009 annual has decreased by eight victims identified overall to 342 victims identified.

³The FY 2010 baseline decreased from 250 as it was reported in the FY 2013 Congressional Budget to 240 as discussed above.

⁴After a thorough review completed during FY 2013, 32 victims identified during FY 2011 have been deleted from the database. The FY 2011 entries in victim statistics are 429 with a cumulative total of 1,045, not 524 with a cumulative total of 1,066 as it was reported in the FY 2013 Budget.

⁵The FY 2012 baseline has been modified to reflect the 33 victims who have been deleted from the database as discussed above.

⁶The use of this measure has been modified from "Percentage of victims provided with advice and/or comprehensive information within 3 business days of identification" to "Percentage of OVT responses to victims within 3 business days of victim request for information from OVT" for clarity.

⁷The use of this measure has been modified from "Percentage of CT defendants whose cases were favorably resolved" to "Percentage of CT defendants whose cases were favorably resolved" for clarity.

⁸The use of this measure has been modified from "Percentage of CE cases favorably resolved" to "Percentage of CE defendants whose cases were favorably resolved" for clarity.

⁹Beginning FY 2012, this measure is tracked on a calendar year basis rather than a fiscal year basis (limited to other agencies in CFIUS and Team Telecom) for ease of reporting.

3. Performance, Resources, and Strategies

For performance reporting purposes, resources for NSD are included under DOJ Strategic Goal 1: Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law. Within this Goal, NSD resources address all three Objectives:

- 1.1 Prevent, disrupt, and defeat terrorist operations before they occur;
- 1.2 Prosecute those involved in terrorist acts; and
- 1.3 Combat espionage against the United States.

Based on these three objectives, performance resources are allocated to three program activities: Intelligence, Counterterrorism, and Counterespionage.

a. Performance Plan and Report for Outcomes

Intelligence Performance Report

Measure: Intelligence Community Oversight Reviews

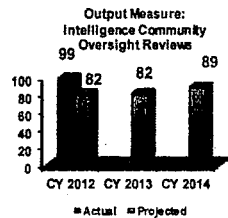
CY 2012 Target: 82

CY 2012 Actual: 99

CY 2013 Target: 82

CY 2014 Target: 89

Discussion: This measure is tracked on a calendar year basis for ease of reporting. It was incorrectly reported in fiscal years before.



Data Definition: NSD attorneys are responsible for conducting oversight of certain activities of IC components. The oversight process involves numerous site visits to review intelligence collection activities and compliance with the Constitution, statutes, AG Guidelines, and relevant Court orders. Such oversight reviews require advance preparation, significant on-site time, and follow-up and report drafting resources. These oversight reviews cover many diverse intelligence collection programs. FISA Minimization Reviews and National Security Reviews will be counted as part of Intelligence Community Oversight Reviews.

Data Collection and Storage: The information collected during each review is compiled into a report, which is then provided to the reviewed Agency. Generally, the information collected during each review, as well as the review reports, are stored on a classified database. However, some of the data collected for each review is stored manually.

Data Validation and Verification: Reports are reviewed by NSD management, and in certain instances reviewed by agencies, before being released.

Data Limitations: None identified at this time.

Measure: Percent Increase in the Number of U.S. Victims of Overseas Terrorism Identified Since Program Inception (Baseline: 50)

FY 2012 Target: 5.8% (Increase from 1,024 to 1,083)

FY 2012 Actual: 8.4% (Increase from 1,024 to 1,110)

FY 2013 Target: Not Applicable

FY 2014 Target: Not Applicable

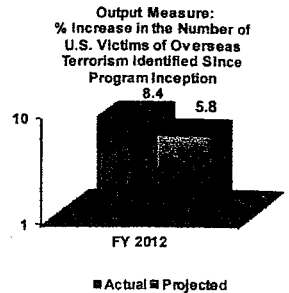
Discussion: This measure will be discontinued in FY 2013 because it is no longer an effective indicator of program performance. Additionally, after a thorough review completed during FY 2013, 32 victims identified during FY 2011 have been deleted from the database. The FY 2012 baseline has been revised accordingly.

Data Definition: Victims: American citizens who are the victims of terrorism outside the borders of the U.S.

Data Collection and Storage: Data is collected and stored in an electronic database.

Data Validation and Verification: Data is validated by management and staff.

Data Limitations: None.



Measure: Percentage of OVT Responses to Victims within 3 Business Days of Victim Request for Information from OVT

FY 2012 Target: 80%

FY 2012 Actual: 89%

FY 2013 Target: 80%

FY 2014 Target: 80%

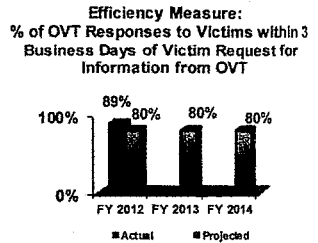
Discussion: The title of this measure has been modified from "Percentage of Victims Provided with Service and/or Compensation Information within 3 Business days of Identification" to "Percentage of OVT Responses to Victims within 3 Business Days of Victim Request for Information from OVT" for clarity.

Data Definition: Victims: American citizens who are the victims of terrorism outside the borders of the U.S. This measure reflects OVT's efficiency in providing information to victims after they have contacted OVT.

Data Collection and Storage: Data is collected and storage in an electronic database.

Data Validation and Verification: Data is validated by management and staff.

Data Limitations: None.



Measure: Percentage of Referrals for Assistance Received by OVT Successfully Resolved
FY 2012 Target: NA

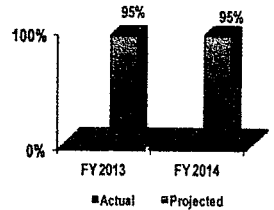
FY 2012 Actual: NA

FY 2013 Target: 95%

FY 2014 Target: 95%

Discussion: New measure beginning FY 2013.

% of Referrals for Assistance Received by OVT Successfully Resolved



Data Definition: This measure counts the percentage of referrals received during the fiscal year that are successfully resolved through the provision of a set group of services. OVT is monitoring two types of referrals. First are newly identified victims. Second are referrals of already existing victims when criminal justice proceedings are initiated for each defendant in a domestic or foreign criminal justice system. Most referrals come from the FBI's Office for Victim Assistance which will inform OVT when foreign criminal justice proceedings have been initiated. Another source for information is the Counterterrorism Section which will inform OVT about foreign and domestic terrorism trials with U.S. victims. In some situations referrals may come from the State Department or other victims.

Data Collection and Storage: For each new victim referred to OVT for assistance, OVT creates a paper file to document OVT efforts. The file contains a checklist of services that OVT can either provide, make a referral for another agency to provide, or which cannot be provided for a legitimate reason (such as it would involve divulging National Security information, or a criminal justice proceeding is not ongoing at the time). On a quarterly basis the paper files are reviewed and analyzed to determine whether the checklist services have been successfully addressed as indicated in the previous sentence. For referrals based on new criminal justice proceedings, OVT takes an existing victim file and creates a new checklist for the new criminal justice proceeding.

Data Validation and Verification: OVT will review the paper files on a quarterly basis. The information in the paper files will then be loaded into an automated Victim/Attack Tracking Tool (VATT) so that the information can be easily accessed.

Data Limitations: Some criminal justice proceedings and corresponding support efforts will span several years, but OVT's efforts will only be reported in the year in which the criminal justice proceeding was initiated.

Counterterrorism (CT) Performance Report

Measure: Percentage of CT Defendants Whose Cases Were Favorably Resolved

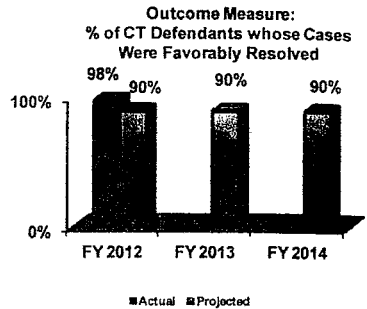
FY 2012 Target: 90%

FY 2012 Actual: 98%

FY 2013 Target: 90%

FY 2014 Target: 90%

Discussion: NSD has modified the title of this measure from “Percentage of CT Cases Favorably Resolved” to “Percentage of CT Defendants Whose Cases Were Favorably Resolved” for clarity.



Data Definition: Cases Favorably Resolved include those cases closed during the fiscal year that resulted in court judgments favorable to the government.

Data Collection and Storage: Attorneys provide data which is stored in the ACTS database.

Data Validation and Verification: Data validation and verification is accomplished via quarterly review by CTS Chief.

Data Limitations: None identified at this time.

Select Recent Counterterrorism Section Prosecutions:

New York Subway Bomb Plot / U.S. v. Medunjanin, et al. - On May 2, 2012, Adis Medunjanin, a Queens, N.Y., resident who joined al-Qaeda and plotted to commit a suicide terrorist attack in New York City, was convicted of multiple federal terrorism offenses in the Eastern District of New York. As of May 10, 2012, seven defendants, including Medunjanin, Najibullah Zazi, Amanullah Zazi, and Zarein Ahmedzay, had been convicted in connection with the New York City bombing plot and related charges. On November 16, 2012, the court sentenced Medunjanin to life imprisonment. Ahmedzay and Najibullah Zazi, who each face a maximum sentence of life imprisonment, are scheduled to be sentenced on May 10, 2013, and September 27, 2013, respectively.

Christmas Day 2009 Underwear Bomb Plot / U.S. v. Abdulmutallab -- On February 16, 2012, Umar Farouk Abdulmutallab, the so-called “underwear bomber,” was sentenced in the Eastern District of Michigan to life in prison as a result of his October 12, 2011 guilty plea to all eight counts of an indictment charging him for his role in the attempted Christmas Day 2009 bombing of Northwest Airlines flight 253. In August 2009, Abdulmutallab traveled to Yemen for the purpose of becoming involved in violent “jihad” on behalf of al-Qaeda. There, he met with and conspired with members of al-Qaeda in the Arabian Peninsula (AQAP), including the late Anwar

Awlaki, to bomb a U.S. aircraft over U.S. soil. According to court papers filed in the case, while in Yemen, Abdulmutallab received an explosive device constructed by alleged AQAP bomb-maker, Ibrahim al Asiri, for his suicide mission. After being trained in the use of the bomb, Abdulmutallab provided a statement for a martyrdom video that was filmed by AQAP. Abdulmutallab then traveled with the bomb concealed in his underwear from Yemen to Africa and then to the Netherlands, where he boarded Flight 253 on Christmas Day 2009. The bomb contained PETN and TATP, two high explosives. As Flight 253 descended into Detroit Metropolitan Airport, Abdulmutallab detonated the bomb, which resulted in a fire, but did not fully explode.

U.S. v. Waad Ramadan Alwan, et al. – On May 26, 2011, Waad Ramadan Alwan was indicted by a grand jury in Bowling Green, Kentucky, on 23 charges, including conspiracy to kill U.S. nationals abroad, conspiracy to use a weapon of mass destruction against U.S. nationals abroad, distributing information on the manufacture and use of improvised explosive devices (IEDs), attempting to provide material support to terrorists and to al-Qaeda in Iraq and conspiracy to transfer, possess, and export Stinger missiles. Alwan's co-defendant, Mohanad Shareef Hammadi, was charged in the same indictment with five counts of attempting to provide material support to terrorists, in violation of 18 U.S.C. §2339A; four counts of attempting to provide material support to a foreign terrorist organization (al Qaeda in Iraq), in violation of 18 U.S.C. § 2339B; and one count of conspiracy to transfer, possess or export a device designed or intended to launch or guide a rocket or missile, in violation of 18 U.S.C. § 2332g. On February 15, 2012, a superseding indictment against Hammadi was filed adding two counts of making false statements in immigration matters, in violation of 18 U.S.C. § 1546(a). On December 16, 2011, Alwan pled guilty to all of the charges in the indictment. On August 21, 2012, Hammadi entered a guilty plea to all twelve counts of the superseding indictment. Alwan was sentenced to life imprisonment and Hammadi was sentenced to 40 years' imprisonment.

U.S. v. Khalid Aldawsari – On March 9, 2011, Khalid Aldawsari, a citizen of Saudi Arabia and a resident of Lubbock, Texas, was charged by indictment with one count of attempting to use a weapon of mass destruction, in violation of 18 U.S.C. § 2332a(a)(2)(A) and (D). Aldawsari was arrested on February 23, 2011, based on a criminal complaint. An FBI investigation uncovered Aldawsari's plan to purchase concentrated chemicals and equipment necessary to make an Improvised Explosive Device (IED) for use against persons and infrastructure in the United States. Furthermore, he allegedly also conducted online research on several potential targets including the Dallas residence of former President George W. Bush. Aldawsari was convicted on June 27, 2012. On November 13, 2012, Aldawsari was sentenced to life imprisonment.

U.S. v. Arbabsiar, et al. – Arbabsiar was arrested on September 29, 2011, at John F. Kennedy International Airport in Queens, New York. On October 7, 2012, Arbabsiar pled guilty before U.S. District Judge John F. Keenan, to a superseding information that charges him with three counts. Count one charges Arbabsiar with traveling in foreign commerce and using interstate and foreign commerce facilities in the commission of murder-for-hire, in violation of 18 U.S.C. § 1958; count two charges him with conspiracy to do count one, in violation of

18 U.S.C. § 1958; and count three charges him with conspiracy to commit an act of terrorism transcending national boundaries, in violation of 18 U.S.C. § 371. Arbabsiar faces a maximum potential sentence of 25 years in prison. Arbabsiar is scheduled to be sentenced on March 26, 2013.

U.S. v. Warsame - On June 30, 2011, Ahmed Abdulkadir Warsame, an accused al-Shabaab commander, was indicted in the Southern District of New York on charges of providing material support to al-Shabaab and Al-Qaeda in the Arabian Peninsula (AQAP), as well as weapons violations, conspiracy to teach and demonstrate the making of explosives, receiving explosives training from AQAP, and other violations. Warsame was captured in the Gulf region by the United States military on April 19, 2011 and was questioned for intelligence purposes for more than two months. Warsame was brought to the Southern District of New York for prosecution and arraigned on July 5, 2011. According to the indictment, between 2007 and April 2011, Warsame conspired to provide and provided material support to al-Shabaab, resulting in the death of at least one person. Warsame allegedly fought on behalf of al-Shabaab in Somalia in 2009 and provided other forms of support to the terrorist organization including explosives, weapons, communications equipment, expert advice, and assistance and training. The indictment further alleges that between 2009 and April 2011, Warsame conspired to provide and provided material support to AQAP, in the form of money, training, communications equipment, facilities, and personnel. While in Yemen in 2010 and 2011, he allegedly possessed and used grenades and an AK-47 semi-automatic assault weapon in crimes of violence. According to the charges, Warsame also worked to broker a weapons deal with AQAP on behalf of al-Shabaab.

U.S. v. Naser Jason Abdo - Naser Jason Abdo was arrested on July 28, 2011, by local authorities in Killeen, Texas, after he was found in possession of bomb-making materials and a gun. Abdo had planned an attack on U.S. soldiers at a restaurant outside Fort Hood in Texas and planned to use explosive devices to kill soldiers and then use a handgun to kill any survivors. He was charged by indictment with: (1) attempted use of a weapon of mass destruction, in violation of 18 U.S.C. § 2332a(a)(2)(D) (one count); (2) attempted murder of officers and employees of the United States, in violation of 18 U.S.C. § 1114(3) (one count); and (3) possession of a weapon in furtherance of a federal crime of violence, in violation of 18 U.S.C. § 924(c)(1)(A) (four counts). On May 24, 2012, he was convicted on all counts. On August 10, 2012, he was sentenced to life in prison.

Measure: Percentage of CT Cases Where Classified Information is Safeguarded (according to CIPA requirements) Without Impacting the Judicial Process

FY 2012 Target: 99%

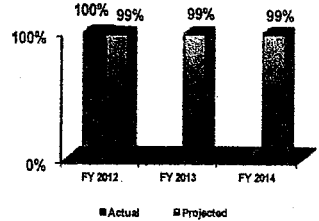
FY 2012 Actual: 100%

FY 2013 Target: 99%

FY 2014 Target: 99%

Discussion: No discussion required.

Outcome Measure:
% of CT Cases Where Classified Info is Safeguarded w/o Impacting the Judicial Process



Data Definition: Classified information - information that has been determined by the United States Government pursuant to an Executive Order or statute to require protection against unauthorized disclosure for reasons of national defense or foreign relations, or any restricted data as defined by the Atomic Energy Act of 1954. Safeguarded - that the confidentiality of the classified information is maintained because the Government has proposed redactions, substitutions or summarizations pursuant to CIPA which the Court has accepted. Impact on the judicial process - that the Court does not exclude certain evidence, dismiss particular counts of the indictment, or dismiss the indictment as a remedy for the Government's insistence that certain classified information not be disclosed at trial.

Data Collection and Storage: Data collection and storage is manual.

Data Validation and Verification: Data validation and verification is accomplished via quarterly review by CTS Chief.

Data Limitations: None identified at this time.

Counterespionage (CE) Performance Report

Measure: Percentage of CE Defendants Whose Cases Were Favorably Resolved

FY 2012 Target: 90%

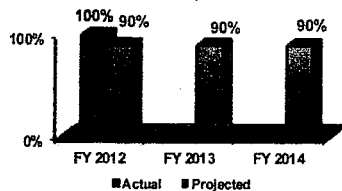
FY 2012 Actual: 100%

FY 2013 Target: 90%

FY 2014 Target: 90%

Discussion: NSD has modified the title of this measure from "Percentage of CE Cases Favorably Resolved" to "Percentage of CE Defendants Whose Cases Were Favorably Resolved" for clarity.

Outcome Measure:
% of CE Defendants whose Cases Were Favorably Resolved



Data Definition: Cases Favorably Resolved include those cases closed during the fiscal year that resulted in court judgments favorable to the government.

Data Collection and Storage: Attorneys provide data which is stored in the ACTS database.

Data Validation and Verification: Quarterly review of database records and data updates from CES attorneys in order to insure that records are current and accurate.

Data Limitations: Reporting lags.

Select Recent Counterespionage Prosecutions

Former U.S. Consulate Guard Pleads Guilty to Spying / U.S. v. Underwood –

On August 30, 2012, Bryan Underwood, a former contract guard working at a U.S. Consulate in China, pleaded guilty to attempting to communicate national defense information to a foreign government. On September 28, 2011, Underwood had been charged in a superseding indictment in the District of Columbia with attempting to communicate national defense information to the People's Republic of China (PRC), making false statements, and failing to appear in court pursuant to his conditions of release. Underwood was first charged with making false statements and was arrested on September 1, 2011. The following day, he failed to appear at a status hearing in court. The FBI located Underwood in Los Angeles and arrested him on September 24, 2011. According to the superseding indictment, Underwood attempted to communicate photographs and other national defense information to representatives of the PRC from about March 1, 2011 to about August 5, 2011. Underwood is scheduled to be sentenced on March 5, 2013.

Virginia Man Sentenced for Acting as Illegal Agent of Syria / U.S. v. Soueid – On July 20, 2012, Mohamad Soueid was sentenced to 18 months in prison after being convicted of unlawfully acting as an agent of a foreign government. On October 11, 2011, Soueid had been arrested for his alleged role in a conspiracy to collect video and audio recordings and other information about individuals in the United States and Syria who were protesting the Government of Syria and to provide these materials to Syrian intelligence agencies in order to silence, intimidate, and potentially harm the protestors. Soueid, a Syrian-born naturalized U.S. citizen, was charged by a federal grand jury on October 5, 2011, in the Eastern District of Virginia with conspiring to act and acting as an agent of the Syrian Government in the United States without notifying the Attorney General as required by law; two counts of providing false statements to federal law enforcement; and two counts of providing false statements on a firearms purchase form.

Former CIA Officer Pleads Guilty to Disclosing Classified Information / U.S. v. Kiriakou – On April 5, 2012, former CIA officer John Kiriakou was indicted for allegedly disclosing classified information to journalists, including the name of a covert CIA officer and information revealing the role of another CIA employee in classified activities. Kiriakou was charged in a five-count indictment returned by a federal grand jury in the Eastern District of Virginia, after he was initially charged in a criminal complaint and arrested in January 2012. The indictment charged Kiriakou with one count of violating the Intelligence Identities Protection Act for allegedly illegally disclosing the identity of a covert officer, and with three counts of violating the Espionage Act for allegedly illegally disclosing national defense information to individuals not authorized to receive it. The indictment also charged Kiriakou with one count of making false

statements for allegedly lying to the CIA Publications Review Board in an unsuccessful attempt to trick the CIA into allowing him to include classified information in a book he was seeking to publish. On October 23, 2012, Kiriakou pleaded guilty to Count One of the indictment – intentionally disclosing information identifying a covert officer.

Scientist Sentenced for Attempted Espionage / U.S. v. Nozette – On March 21, 2012, Stewart David Nozette, a scientist who once worked for the White House’s National Space Council and other federal agencies, was sentenced in the District of Columbia to 13 years in prison for attempted espionage, conspiracy to defraud the United States, and tax evasion. The sentence covered charges in two cases. In one, Nozette pleaded guilty to attempted espionage for providing classified information to a person he believed to be an Israeli intelligence officer. In the other, he pleaded guilty to fraud and tax charges. From 1989 through 2006, Nozette held security clearances as high as TOP SECRET. On September 3, 2009, Nozette was contacted by an individual purporting to be an Israeli intelligence officer, but who was actually an FBI undercover employee. That day, Nozette informed the undercover employee that he would provide classified information for money and a foreign passport to a country without extradition to the United States. A series of contacts followed over the next several weeks, including meetings and exchanges in which Nozette took \$10,000 in cash left by the FBI at pre-arranged drop-off sites and provided classified information relating to the national defense.

Ten Defendants Charged in Economic Espionage Case / U.S. v. Liew et al. – On March 2, 2012, former DuPont scientist Tze Chao pleaded guilty in the Northern District of California to conspiracy to commit economic espionage, admitting that he provided trade secrets on DuPont’s proprietary titanium dioxide (TiO₂) process to companies controlled by the government of the People’s Republic of China (PRC). On February 7, 2012, a grand jury in San Francisco returned a superseding indictment charging Chao and four other individuals, as well as five companies, with economic espionage and theft of trade secrets for their roles in a long-running effort to obtain U.S. trade secrets from DuPont for companies controlled by the PRC. According to the indictment, the PRC government identified as a priority the development of TiO₂ production capabilities. TiO₂ is a commercially valuable white pigment with numerous uses. To achieve that goal, companies controlled by the PRC government, specifically the Pangang Group companies, and employees of those companies allegedly attempted to illegally obtain TiO₂ technology developed by DuPont. The Pangang Group companies were allegedly aided in their efforts by individuals in the United States who had obtained TiO₂ trade secrets and were willing to sell them for significant sums of money.

Select Recent Counterproliferation Prosecutions

TOW Missile Components to Iran / U.S. v. Baniamერი et al. – On July 26, 2012, Andro Telemi, a naturalized U.S. citizen from Iran who resided in California, pleaded guilty in the Northern District of Illinois to one count of attempting to illegally export defense articles in connection with his efforts to export TOW and TOW2 missile components to Iran. Telemi was indicted in December 2009, along with Davoud Baniamერი, an Iranian citizen who lived in Woodland Hills, California. A superseding indictment returned in July 2010 charged Telemi, Baniamერი and Syed

Majid Mousavi, an Iranian citizen living in Iran. According to court documents, sometime before Oct. 2008, Mousavi, based in Iran, contacted Baniameri in California and requested that he purchase Marconi radio test sets for illegal export from the United States to Iran. Baniameri purchased these sets from an Illinois company and later exported them to Iran via Dubai. Mousavi also requested that Baniameri purchase and export to Iran, via Dubai, ten connector adaptors for the TOW and TOW2 missile system, which are used on the U.S. Army's Bradley fighting vehicle and the U.S. Marine Corp's AH-1W Cobra attack helicopter. Baniameri later negotiated the purchase of these items from an Illinois company and directed Telemi to assist him in this effort and to take possession of the items. To facilitate the export of these goods, Baniameri arranged to fly to Iran, but he was arrested before leaving the country. On May 31, 2011, Baniameri pleaded guilty to conspiracy to illegally export goods and technology to Iran and attempting to illegally export defense articles in connection with the TOW missile components and radio test sets. On August 12, 2011, Baniameri was sentenced to 51 months in prison. On July 26, 2012, Telemi pleaded guilty to attempting to export defense articles without a license. Telemi was sentenced to 5 years' probation.

Materials for Gas Centrifuges and Nuclear-Related Goods to Iran / U.S. v. Khaki et al. -- On July 12, 2012, a grand jury in the District of Columbia returned a superseding indictment charging Parviz Khaki, a citizen of Iran, and Zongcheng Yi, a resident of China, for their alleged efforts to obtain and illegally export to Iran U.S.-origin materials used to construct, operate and maintain gas centrifuges to enrich uranium, including maraging steel, aluminum alloys, mass spectrometers, vacuum pumps and other items. Khaki was also accused of conspiring to procure radioactive source materials from the United States for customers in Iran. The indictment charges Khaki and Yi each with conspiracy to violate the International Emergency Economic Powers Act (IEEPA), conspiracy to defraud the United States, smuggling, illegally exporting U.S. goods to Iran in violation of IEEPA, and conspiracy to commit money laundering. Khaki was arrested on May 24, 2012, by authorities in the Philippines in connection with a U.S. provisional arrest request stemming from an indictment in the District of Columbia. The United States has requested Khaki's extradition. Yi, who is purported to be the managing director of Monalila Co. LTD, a toy company in Guangzhou City, China, remains at large. From around October 2008 through January 2011, Khaki, Yi and others allegedly conspired to cause the export of goods from the United States to Iran without a Treasury Department license. In carrying out the conspiracy, Khaki directed Yi and others to contact U.S. companies about purchasing U.S.-origin goods. Yi and other conspirators then purchased goods from various U.S. companies and had the goods exported from the United States through China and Hong Kong to Khaki and others in Iran. Yi and others made false statements to U.S. companies on behalf of Khaki to conceal that Iran was the final destination and end-user of the goods.

Military Software for China's Attack Helicopter / U.S. v. UTC et al. -- On June 28, 2012, in the District of Connecticut, Pratt & Whitney Canada Corp. (PWC), a Canadian subsidiary of Connecticut-based defense contractor United Technologies Corp. (UTC), pleaded guilty to violating the Arms Export Control Act and making false statements in connection with its illegal export to China of U.S.-origin military software that was used in the development of China's first modern military attack helicopter, the Z-10. In addition, UTC, its U.S.-based subsidiary

Hamilton Sundstrand Corp. (HSC), and PWC all agreed to pay more than \$75 million as part of a global settlement with the Justice Department and the State Department in connection with various export violations, including those related to the Z-10, and for making false and belated disclosures to the U.S. government about the illegal exports for the Z-10. A three-count criminal information was filed against the companies. Count one charged PWC with violating the Arms Export Control Act for the illegal export of defense articles to China for the Z-10 helicopter. Specifically, PWC knowingly and willfully caused HSC military software used to test and operate PWC engines to be exported to China for the Z-10 without any U.S. export license. Count two charged PWC, UTC, and HSC with making false statements about these illegal exports to the State Department in their belated disclosures, which did not begin until 2006. Count three charged PWC and HSC for their failure to timely inform the State Department of the unlawful export of defense articles to China, an embargoed nation, as required by U.S. export regulations. This is the first case in which the provisions in count three have been enforced criminally. While PWC pleaded guilty to counts one and two, prosecution of PWC, UTC, and HSC on the other charges is deferred for two years, provided that the companies abide by the terms of a deferred prosecution agreement with the Justice Department. In connection with the global settlement with the Justice and State Departments, PWC, UTC, and HSC agreed to pay more than \$75 million in penalties, subject themselves to independent monitoring for several years, and be required to comply with an extensive training and remedial action program to strengthen their export compliance.

Radiation-Hardened Circuits to China / U.S. v. He – On February 3, 2012, Chinese citizen and former California Department of Transportation (Caltrans) engineer Philip Chaohui He appeared in federal court in the District of Colorado after his arrest in San Francisco in connection with his alleged efforts to export defense articles to China without a State Department license, specifically more than 300 space-qualified and radiation-hardened computer circuits used in satellite communications with a total value of nearly \$550,000. An indictment charged He with conspiracy to violate the Arms Export Control Act (AECA) and to smuggle goods; attempted violation of AECA; and smuggling. According to the charges, He arranged for the purchase of more than 300 radiation-hardened circuits from Aeroflex, a Colorado manufacturer, in May 2011. He arranged for the purchase after a co-conspirator sent him wire transfers totaling nearly \$490,000 from a bank in China. He then provided false certification to Aeroflex that the items would remain in the United States. In December 2011, He drove to the Port of Long Beach and met with two men in front of a docked Chinese-flagged ship that was registered to a subsidiary of a China state-owned corporation. The ship recently had arrived from Shanghai and was scheduled to return on December 15, 2011. He was arrested on December 11, 2011 at the Port. He allegedly had concealed 200 circuits in infant formula containers in the trunk of his vehicle.

Components for IEDs to Iran and Iraq / U.S. v. Larijani et al. – On October 25, 2011, prosecutors in the District of Columbia unsealed an indictment which charged five individuals and four of their companies with various violations, including conspiracy to defraud the United States, smuggling, illegal export of goods to Iran, illegal export of defense articles, false statements and obstruction of justice. The charged defendants are Iranian national Hossein

Larijani, and his companies Paya Electronics Complex, based in Iran, and Opto Electronics Pte, Ltd., based in Singapore; Wong Yuh Lan, an agent of Opto Electronics who was allegedly supervised by Larijani from Iran; NEL Electronics Pte. Ltd., a company in Singapore, along with NEL's owner and director, Lim Yong Nam; Corezing International Pte. Ltd., a company in Singapore that maintained offices in China; as well as Lim Kow Seng, an agent of Corezing, and Hia Soo Gan Benson, a manager, director and agent of Corezing. On October 24, 2011, authorities in Singapore arrested Wong, Nam, Seng and Hia pursuant to a U.S. extradition request. Larijani remains a fugitive in Iran. The indictment alleges that, between June 2007 and February 2008, the defendants fraudulently purchased and caused 6,000 radio frequency modules to be illegally exported from Minnesota through Singapore to Iran. The alleged recipient of all 6,000 modules in Iran was Larijani. The indictment alleges that Coalition forces found no less than 16 of these 6,000 modules in Iraq where they were being used as part of the remote detonation devices of unexploded IEDs. The indictment further charged Seng, Hia, and Corezing with a separate fraud conspiracy involving the illegal export of two types of military antenna from the United States. In February 2012, a Singapore court ruled that the four suspects held in Singapore may be extradited to the United States to face prosecution for their alleged roles in conspiracies to defraud the United States. The litigation over extradition continues, after another court in Singapore in August 2012 found that only two of the suspects could be extradited.

Measure: Percentage of CE Cases Where Classified Information is Safeguarded (according to CIPA requirements) Without Impacting the Judicial Process

FY 2012 Target: 99%

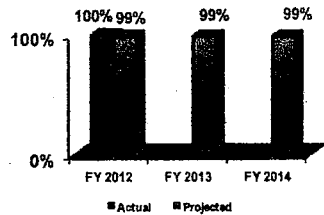
FY 2012 Actual: 100%

FY 2013 Target: 99%

FY 2014 Target: 99%

Discussion: No discussion required.

Outcome Measure:
% of CE Cases Where Classified Info is Safeguarded w/o Impacting the Judicial Process



Data Definition: Classified information - information that has been determined by the United State Government pursuant to an Executive Order or statute to require protection against unauthorized disclosure for reasons of national defense or foreign relations, or any restricted data as defined by the Atomic Energy Act of 1954. Safeguarded - that the confidentiality of the classified information is maintained because the Government has proposed redactions, substitutions or summarizations pursuant to CIPA which the Court has accepted. Impact on the judicial process - that the Court does not exclude certain evidence, dismiss particular counts of the indictment, or dismiss the indictment as a remedy for the Government's insistence that certain classified information not be disclosed at trial.

Data Collection and Storage: CES attorneys provide data concerning CIPA matters handled in their cases as well as the status or outcome of the matters, which are then entered into the ACTS database.

Data Validation and Verification: Quarterly review of database records and data updates from CES attorneys in order to insure that records are current and accurate.

Data Limitations: Reporting lags.

Measure: Targeted FARA Inspections Completed**FY 2012 Target: 15****FY 2012 Actual: 15****FY 2013 Target: 15****FY 2014 Target: 15****Discussion:** No discussion required.

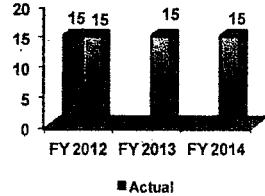
Data Definition: Targeted FARA Inspections are conducted routinely. There can also be additional inspections completed based on potential non-compliance issues. Inspections are just one tool used by the Unit to bring registrants into compliance with FARA.

Data Collection and Storage: Inspection reports are prepared by FARA Unit personnel and stored in manual files.

Data Validation and Verification: Inspection reports are reviewed by the FARA Unit Chief.

Data Limitations: None identified at this time

**Output Measure:
FARA Inspections
Completed**

**Measure: High Priority National Security Reviews Completed****CY 2012 Target: 30****CY 2012 Actual: 37****CY 2013 Target: 30****CY 2014 Target: 30**

Discussion: Beginning FY 2012, this measure will be tracked on a calendar year basis rather than a fiscal year basis (similar to other agencies in CFIUS and Team Telecom) for ease of reporting.

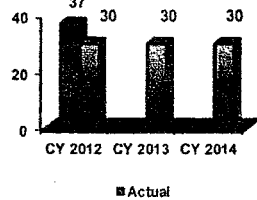
Data Definition: High Priority National Security Reviews include (1) CFIUS case reviews of transactions in which DOJ is a co-lead agency in CFIUS due to the potential impact on DOJ equities; (2) CFIUS case reviews which result in a mitigation agreement to which DOJ is a signatory; (3) Team Telecom case reviews which result in a mitigation agreement to which DOJ is a signatory; and (4) mitigation monitoring site visits.

Data Collection and Storage: Data is collected manually and stored in generic files; however management is reviewing the possibility of utilizing a modified automated tracking system.

Data Validation and Verification: Data is validated and verified by management.

Data Limitations: Given the expanding nature of the program area – a more centralized data system is desired.

**Output Measure:
High Priority Foreign
Investment Reviews
Completed**



V. Program Increases by Item

A. Item Name: **Combating Cyber Threats to National Security**

Budget Decision Unit: National Security Division

Strategic Goal & Objective: Goal 1: Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law
 Objective 1.1 Prevent, disrupt, and defeat terrorist operations before they occur
 Objective 1.2 Prosecute those involved in terrorist acts
 Objective 1.3 Combat espionage against the United States

Organizational Program: Counterespionage, Foreign Investment Review, Counterterrorism, Intelligence, Law and Policy, Information Technology

Component Ranking of Item: 1 of 3

Program Increase: Positions 26 Atty 16 FTE 13 Dollars \$3,468,000

Description of Item

The National Security Division (NSD) requests a total of 26 positions, including sixteen attorneys and ten non-attorneys, to support the growing area of combating cyber threats to national security. These requested positions are detailed below.

Justification

One of the most significant national security threat evolutions in recent years has been the growth of cyber threats to the national security. Attacks against America's digital infrastructure were once the near-exclusive purview of ordinary criminals; however, nation states and terrorists are increasingly looking for opportunities to exploit this critical national asset. Just last month, al Qaeda released a six-minute video instructing its followers that "the U.S. is vulnerable to cyberattacks in the same way airline security was vulnerable in 2001 before the terrorist attacks of September 11," and calling on individuals "with expertise in this domain to target the websites and information systems of big companies and government agencies."² And late last year, the National Counterintelligence Executive issued a report entitled "Foreign Spies Stealing U.S. Economic Secrets in Cyberspace: Report to Congress on Foreign Economic Collection and Industrial Espionage, 2009-2011," in which it stated that entities within China and Russia are

² "Al Qaeda video calling for cyberattacks on Western targets raises alarm in Congress," Fox News, (May 22, 2012), available at <http://www.foxnews.com/politics/2012/05/22/al-qaeda-video-calling-for-cyberattacks-on-western-targets-raises-alarm-in/#ixzz1x8MO0D6f>.

“responsible for extensive illicit intrusions” into our networks and the “theft of US intellectual property.”³

In 2009, President Obama acknowledged that cybersecurity threats have become “one of the most serious national security, public safety, and economic challenges we face as a nation,”⁴ and the U.S. National Security Strategy identified protecting America’s cyber infrastructure as a key national security priority. More recently, leaders from across the IC have assessed that the cyber threat will soon become the number one threat facing this country.⁵

Because cyber-based terrorism, cyber-based espionage, and other state-sponsored cyber intrusions threaten national security, NSD is involved in the full range of U.S. cyber and cybersecurity efforts, including cyber threat prevention, detection, investigation, and prosecutions, cybersecurity program development and oversight, cybersecurity vulnerability management, and cyber policy development. To keep pace with the unique challenges of this evolving threat, NSD will need to recruit, hire, and train additional cyber specialists.

This request is broken out by NSD section/office below.

Counterespionage

Program Increase: Positions 3 Atty 2 FTE 2 Dollars \$440,000

The Counterespionage Section (CES) requests two attorneys and one intelligence research specialist to support combating cyber threats to national security.

Attorneys

Two attorneys are requested to manage the rapid growth anticipated in cyber-related cases and investigations in the coming years. As technology becomes more advanced, cyber threats are likely to increase and result in more referrals from USAOs around the country. Additionally, as NSD’s National Security Cyber Specialist Network further develops, and its plan to staff Threat Focus Cells is implemented, CES anticipates an increase in the number of cyber investigations and possible prosecutions. CES also anticipates additional prosecutions due to new statutory tools and revisions to existing statutes that cover cyber threats.

³ Office of the National Counterintelligence Executive, *Foreign Spies Stealing U.S. Economic Secrets in Cyberspace: Report to Congress on Foreign Economic Collection and Industrial Espionage, 2009-2011*, at i (Oct. 2011), available at http://www.ncix.gov/publications/reports/fecie_all/Foreign_Economic_Collection_2011.pdf [hereinafter “ONCIX Report”].

⁴ President Barack Obama, Remarks on Securing our Nation’s Cyber Infrastructure (May 29, 2009), available at <http://www.whitehouse.gov/the-press-office/remarks-president-securing-our-nations-cyber-infrastructure>.

⁵ See Remarks of Director of National Intelligence James Clapper and FBI Director Robert S. Mueller, III Before the House Permanent Select Committee on Intelligence (HPSCI), February 10, 2012.

Intelligence Research Specialist

One intelligence research specialist is requested to assist in cyber case development. A significant part of the cyber threat evolution has involved the unlawful extraction of U.S. trade secrets and national defense information by state and non-state actors. The vast majority of reporting pertaining to these types of intrusions resides in classified databases maintained by the IC, and in many instances, it never gets disseminated to DOJ attorneys in a position to potentially develop criminal charges. An intelligence research specialist's knowledge and ability to access and cull cyber-related reporting among the vast array of data sources will be paramount to CES's efforts to generate new cases in this area. An intelligence research specialist could also provide direct analytic support to investigations already underway. Cyber investigations are typically complex, and an intelligence research specialist can spend the required time researching technical details within the case to develop products such as assessments and link charts that lay out the full scope of the illegal activity. Finally, an intelligence research specialist can work closely with personnel assigned to the FBI's National Cyber Investigative Joint Task Force and other IC cyber working groups to deconflict potential matters.

Foreign Investment Review

Program Increase: Positions 4 Atty 3 FTE 2 Dollars \$617,000

The Foreign Investment Review Staff (FIRS) requests the three attorneys and one cyber auditor to support combating cyber threats to national security.

Attorneys

Three attorneys are requested to assist with the review of foreign acquisitions as they relate to cyber threats to the national security. As a member of CFIUS, FIRS is responsible for reviewing foreign acquisitions of United States companies in order to identify any national security concerns arising from such transactions. The primary DOJ CFIUS equities are protecting the nation's telecommunications system and preventing espionage by foreign corporations or sovereign states through hardening of corporate cyber defenses and security policies. FIRS also addresses these equities through its participation in Team Telecom, an ad hoc interagency body that reviews international telecommunications licenses referred by the FCC. Through its cooperation with the FBI and the National Security Agency, FIRS assists the IC in gleaning valuable foreign intelligence information from CFIUS filings and FCC license applications and promotes the dissemination of that information throughout the IC. Once FIRS identifies national security concerns, often related to either cybersecurity or intelligence collection, through either the CFIUS or Team Telecom process, FIRS often enters into a National Security Agreement with the foreign company to ensure that any national security concerns are addressed through enhanced cyber protections and personnel security policies. Currently, FIRS is responsible for monitoring corporate compliance with nearly 100 such agreements. The requested attorneys would have responsibility for overseeing this compliance program, identifying vulnerabilities that must be addressed, and ensuring that DOJ implements appropriate monitoring strategies to ensure that these agreements serve the purpose for which they were designed.

Cyber Auditor

One cyber auditor is requested to help design and monitor mitigation compliance regimes as part of FIRS' vital operations related to cyber-security and intelligence collection. The cyber auditor would work with FIRS attorneys to manage the corporate compliance program.

Counterterrorism

Program Increase: Positions 3 Atty 2 FTE 2 Dollars \$440,000

The Counterterrorism Section (CTS) requests two attorneys and one intelligence research specialist to support combating cyber threats to national security.

Attorneys

CTS requests two attorneys to continue to address the increasing cyber threat posed by the use of the internet and technology by terrorists. CTS attorneys regularly review and provide guidance on the rapidly growing number of terrorism cases that involve cyber activity. CTS also anticipates an increase in the number of investigations and prosecutions of cyber-based terrorism in which its attorneys must play an integral role. To ensure that Department attorneys continue to be prepared to handle new and emerging cyber threats, and to disrupt potential cyber-based terrorist operations, CTS requires these resources to handle investigations and prosecutions, conduct nationwide training on cyber-related topics, and regularly participate in interagency and private industry cybersecurity meetings and initiatives.

Intelligence Research Specialist

One intelligence research specialist is requested to assist with cyber-based terrorism cases and investigations. The intelligence research specialist will review and analyze large amounts of intelligence data and enable CTS attorneys to be proactive in developing leads, investigative plans and strategies in close coordination with investigative agents and terrorism prosecutors. In today's threat environment, having the right information at the right time is essential to protecting national security. In addition, having an additional intelligence specialist will enhance CTS's ability to absorb the increasing volume of intelligence material and threat information that is sent from the FBI and other agencies. An intelligence specialist at CTS would serve as the initial point of contact for intelligence material and threat information, and could establish lines of communication with the reporting agencies to obtain supplemental information when needed. The intelligence research specialist could also generate meaningful intelligence summaries, create link analyses, and cull information in reports that highlights items of particular significance to matters within CTS.

Office of Intelligence

Program Increase: Positions 12 Atty 8 FTE 6 Dollars \$1,588,000

OI requests eight attorneys and four non-attorney positions to support combating cyber threats to national security in the areas of Intelligence Operations, Oversight, and Litigation.

Operations Attorneys

Four operations attorneys are requested to support OI's cyber efforts. OI expects to see considerable growth in the cyber area. In accordance with the growing threat and increased prioritization, the Operations Section anticipates dedicating an increasing number of resources to work on cyber-related matters and to become cyber experts. OI also expects to play a larger role in the Division's efforts to coordinate cyber-related efforts within the Department and across the Government. This has to be done in a way that does not adversely affect staffing for other national security priorities.

Oversight Attorneys

Two oversight attorneys are requested to support OI's cyber efforts. OI has continued to develop its oversight capabilities and programs to help the operations components of the IC on a programmatic basis and to increase assurance that operational activities are executed in compliance with governing rules. OI anticipates that these resources will enable OI attorneys to better help these agencies avoid mistakes that could lead to significant compliance problems, including compliance incidents subject to reporting requirements to the FISC or, potentially, the Intelligence Oversight Board and Congress. Additionally, OI has experienced a steady and significant increase in the requirements necessary to satisfy its role in the oversight of certain activities of IC agencies brought about by the FISA Amendments Act of 2008. OI's Oversight Section plays an important part in these efforts, which includes regular reviews at these agencies and the preparation of reports for Congress and the FISC. This enhanced oversight role is expected to continue to grow in the future. For example, NSD's OI Oversight Section, with the Office of the Director of National Intelligence (ODNI), executes responsibility for oversight of Section 702 of FISA. Section 702 permits the Attorney General and the Director of National Intelligence to jointly authorize the targeting of non-United States persons reasonably believed to be outside the United States to acquire foreign intelligence information. This targeting must comply with the FISC-approved targeting procedures and the acquisition, retention, and dissemination of any Section 702-acquired information must comply with FISC-approved minimization procedures. OI also reports its findings to Congress, including preparing lengthy and detailed semi-annual summaries. In addition to Section 702 oversight, OI is planning oversight of IC use of other FISA Amendments Act provisions.

Finally, as the IC expands its use and sharing of intelligence obtained through FISA authorities, OI's oversight responsibilities expand as a corollary. Accordingly, OI's Oversight Section has, and will continue, to expand the number of IC oversight reviews it conducts. These reviews are aimed primarily at ensuring that FISA-derived information is being handled in accordance with FISC-approved minimization procedures and that what is retained and disseminated by the

government is limited to foreign intelligence information. These reviews are becoming increasingly complex and time-consuming because of a growing interest shared by the Department, the FISC and Congress in how FISA-derived information is being marked, used, retained and disseminated by the government.

Fulfillment of these complex oversight responsibilities is one of OI's and NSD's most important functions. To properly discharge this function involves significant increased oversight and compliance responsibilities, which, in turn, requires increased staff resources in the OI Oversight Section to achieve.

Litigation Attorneys

Two litigation attorneys are requested to support OI's cyber efforts. OI's responsibilities in overseeing the use of FISA obtained or derived information in criminal, civil, and administrative proceedings has increased dramatically since 2001. There was a 144 percent increase in the number of FISA use requests processed by the Litigation Section compared to the previous calendar year. The Litigation Section attorneys not only process use requests and make recommendations to the Attorney General, but, once authorization has been granted, the attorneys have a significant role in drafting responses to defense motions to disclose FISA applications, orders, and other materials filed with the Foreign Intelligence Surveillance Court and to suppress information obtained or derived from FISC-authorized electronic surveillance and physical search. In calendar year 2011, there was a 300 percent increase in the number of FISA litigation briefs filed in district courts throughout the country. Aside from their role in overseeing the use of FISA-obtained or FISA-derived information in court proceedings, the attorneys in OI's Litigation Section review requests from the FBI relating to undercover operations and for approval for its agents and sources to engage in otherwise illegal activities. The Litigation Section anticipates a continued increase in workload in all areas of responsibility, as well as an additional complexity of work due in part to the Division's cyber initiatives.

Case Management Specialists

Two case management specialists are requested to support OI's attorneys. The Classified Information Management Unit (CIMU) supports OI's Operations, Oversight, and Litigation Section attorneys in a time-sensitive litigation support environment. Among other things, CIMU provides information management and operations information processing support for specific ongoing programs, and serves as a liaison to the court. Functionally CIMU maintains OI's case tracking system, including processing, scanning, indexing, and filing of all incoming and outgoing matters, to include data integrity function.

Administrative Support

Two administrative support positions are requested to support OI's attorneys. These individuals will assist with the office administrative and personnel support functions for the section. In addition, due to the unique security needs of the OI SCIF environment, it is critical to have adequate support staff to cover the entrances and exits to OI, as well as to provide escorts for visitors to the OI SCIFs.

Law and Policy

Program Increase: Positions 4 Atty 1 FTE 2 Dollars \$383,000

The Law and Policy Office (L&P) requests the following four positions to support combating cyber threats to national security: one attorney, one paralegal, one records management specialist, and one administrative support specialist.

Attorney

One attorney is requested to focus on cyber issues relating to national security. NSD is working to expand its work on cyber matters to align it with the magnitude of the threat posed to our national security by malicious cyber actors, whether they are sponsored by states, terrorist organizations, or others. NSD's leadership recently endorsed the report of its Cyber Review Team that calls for a number of substantial cyber policy initiatives, including development and coordination of an NSD Cyber Strategy and an action plan for accomplishing its goals. It also directs preparation of a bluebook on legal issues pertaining to combating cyber threats, for use by USAOs and others involved in the investigation and prosecution of these threats; an evaluation of AG Guidelines pertaining to cyber investigations and prosecutions; issuance of detailed standard operating procedures to assist victims of intrusions and investigative agencies; and steady distribution of legal development updates in the cyber area for the field. More generally, it calls for NSD to take a more active policy role in cyber policy matters across the government. This work is expressly assigned to L&P. It is anticipated that work in the cyber area will continue to grow in the years ahead. L&P currently has only two attorneys working principally on cyber issues, and neither of them does so exclusively. A third attorney is on a one-year detail from the Southern District of New York. The new attorney position would enable L&P to fill that third position on a permanent basis.

Paralegal Specialist

One paralegal Specialist is requested to support L&P attorneys. L&P has more than twenty-five attorneys supported by one paralegal. This individual principally supports the appellate unit, which continues to grow as the appellate work expands. Moreover, there are a number of functions frequently performed by others in the office for which paralegal support would be extremely helpful and would save scarce attorney time, such as preparation for Congressional hearings, briefing books for senior officials, and basic research assistance. In addition, the legislative referral memorandum process for which the office is responsible is labor intensive and is currently managed by several attorneys in the office on a rotating basis. Much of this work would be more appropriately performed by a paralegal under the supervision of an attorney, which would free up scarce attorney time to focus on more substantive work.

Records Management Specialist

One records management specialist is requested to assist with records management issues throughout the Division, with a particular emphasis on electronic records management and case file management in the Counterespionage and Counterterrorism Sections both of which are expected to see an increase in cyber related investigations and prosecutions. Each component of

the Department is responsible for managing its own records throughout the records management lifecycle (creation, maintenance and use, disposition). Currently this function is performed on an ad hoc basis by the Division's Records and FOIA Chief and one contractor, along with the assistance of case managers in each component. Adding a professional records manager with a career ladder built into the position will allow us to manage the Division's records more effectively in the short term and lay the foundation for an effective program in years to come.

Administrative Support

One administrative support position is requested to support L&P attorneys. L&P has more than twenty-five attorneys supported by one administrative liaison/office manager. There is no administrative assistant to perform routine office support functions such as assisting in preparation of documents, helping with scheduling meetings, taking phone messages, escorting visitors, and the like. The office manager assists with these functions but cannot accomplish this work for the number of attorneys in the office and do all the other work for which she is responsible, including managing time and attendance and travel, supporting the Deputy Assistant Attorney General for L&P, handling financial/budget and procurement issues, ensuring compliance of the office with administrative policies. As a result, the attorneys in the office spend a lot of valuable time performing functions that are more properly done by administrative support staff. Adding an administrative support position would make the ratio of attorneys to support staff for L&P closer to the ratio that exists in other parts of the Division and the Department and will significantly improve the overall efficiency of the office.

Impact on Performance

As described above, these requests for resources will allow NSD to keep pace with the growth of cyber threats to the national security, and can ensure that the government is taking a proactive, all-tools approach to deterrence and disruption of these threat actors.

Funding

Summary

FY 2012 Enacted (w/cancellations)				FY 2013 Continuing Resolution				FY 2014 Current Services			
Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)
117	113	117	\$22,963	138	132	138	\$27,021	138	132	138	\$27,021

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2014 Request (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)
Attorney (GS 15)	\$160	16	\$2,560	\$1,280
Intelligence Research Specialist (GS 13)	120	2	240	124
Cyber Auditor (14)	137	1	137	57
Case Management Specialist (GS 9)	94	2	188	66
Administrative Support (GS 7)	60	3	180	85
Paralegal Specialist (GS 11)	103	1	103	40
Records Management Specialist (GS 7)	60	1	60	28
Total Personnel		26	\$3,468	\$1,680

Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)
Current Services	138	132	138	\$27,021	\$0	\$27,021	\$0
Increases	26	16	13	3,468	0	3,468	1,680
Grand Total	164	148	151	\$30,489	\$0	\$30,489	\$1,680

B. Item Name: Combating Homegrown Violent Extremist Threats

Budget Decision Unit: National Security Division

Strategic Goal: Goal 1: Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law
Objective 1.2 Prosecute those involved in terrorist acts

Organizational Program: Counterterrorism, Information Technology

Component Ranking of Item: 2 of 3Program Increase: Positions 2 Atty 2 FTE 1 Dollars \$320,000Description of Item

NSD requests two attorneys to support combating homegrown violent extremist (HVE) threats.

Justification

Two attorneys are requested to address the increasing demand for attorney resources in HVE investigations and prosecutions. While cyber-related terrorism is poised to pose the overall fastest-growing threat to the homeland, HVEs represent the most significant threat for violent attacks in the homeland. CTS provides full spectrum support to the FBI, IC, and the United States Attorneys' Offices for every HVE case in the country, and the numbers are increasing. These investigations are complex and involve a number of difficult legal issues requiring extensive attorney support throughout the investigations advising on both the investigative strategy and conduct. As a general rule CTS attorneys are also on the trial team prosecuting the cases in districts around the country, sometimes for extended periods of time.

Impact on Performance

As described above, the request for resources for CTS relates directly to the Department's highest priority: Preventing Terrorism and Promoting the Nation's Security Consistent with the Rule of Law. It is imperative to national security that CTS be able to meet increasing demands to combating homegrown violent extremist threats.

Funding

Summary

FY 2012 Enacted (w/cancellations.)				FY 2013 Continuing Resolution				FY 2014 Current Services			
Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)
71	53	71	\$14,201	71	53	71	\$14,534	71	53	71	\$14,871

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2014 Request (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)
Attorney (GS 15)	\$160	2	\$320	\$160
Total Personnel	\$160	2	\$320	\$160

Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)
Current Services	71	53	71	\$14,871	\$0	\$14,871	\$0
Increases	2	2	1	320	0	320	160
Grand Total	73	55	72	\$15,191	\$0	\$15,191	\$160

C. Item Name: Intelligence Collection and Oversight

Budget Decision Unit: National Security Division

Strategic Goal: Goal 1: Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law
Objective 1.1 Prevent, disrupt, and defeat terrorist operations before they occur

Organizational Program: Intelligence, Information Technology

Component Ranking of Item: 3 of 3Program Increase: Positions 2 Atty 2 FTE 1 Dollars \$320,000Description of Item

NSD requests two attorneys to support other intelligence collection and oversight. As noted above, OI is comprised of three sections: Litigation, Operations, and Oversight. While each section has a distinct mission, the three sections work collaboratively in support of the national security priorities of the Division, the Department, and the IC. To this end, office resources, are frequently shifted within OI to allow flexibility as operational needs dictate.

Although much of OI's increase in workload is expected to come in combating cyber threats to the national security, NSD expects additional increases in other intelligence-related areas as well.

Justification***Operations Attorney***

One operations attorney is requested to support other intelligence collection and oversight. OI's Operations Section is responsible, among other things, for preparing applications for electronic surveillance and physical search to the FISC in national security investigations pursuant to FISA, as well as for providing legal advice to Division and Department leadership and the IC on a variety of intelligence-related matters. The trends over the last several years have shown an unmistakable increase in the number of requests for FISA authorities handled by the Operations Section. For example, between 2009 and 2010, the number of FISA applications for electronic surveillance and/or physical search increased by approximately 15 percent (from 1,376 in 2009 to 1,579 in 2010); that number increased a further approximately 11 percent in the following year (from 1,574 in 2010 to 1,745 in 2011). OI anticipates a continuation of this trend over the coming years. Also particularly noteworthy has been the increase in the demand for business records requests pursuant to Section 1861 of FISA: 21 such requests were approved in 2009; 96 in 2010; and 205 in 2011 (an increase of approximately 876 percent between 2009 and 2011). OI expects the number of business records requests to remain near or above 2011 levels for the

foreseeable future. Additional attorney resources are needed in order to address the increased workload.

Litigation Attorney

One litigation attorney is requested to support other intelligence collection and oversight. OI's responsibilities in overseeing the use of FISA obtained or derived information in criminal, civil, and administrative proceedings has increased dramatically since 2001. There was a 144 percent increase in the number of FISA use requests processed by the Litigation Section compared to the previous calendar year. The Litigation Section attorneys not only process use requests and make recommendations to the Attorney General, but, once authorization has been granted, the attorneys have a significant role in drafting responses to defense motions to disclose FISA applications, orders, and other materials filed with the Foreign Intelligence Surveillance Court and to suppress information obtained or derived from FISC-authorized electronic surveillance and physical search. In calendar year 2011, there was a 300 percent increase in the number of FISA litigation briefs filed in district courts throughout the country. Aside from their role in overseeing the use of FISA—obtained or FISA—derived information in court proceedings, the attorneys in OI's Litigation Section review requests from the FBI relating to undercover operations and for approval for its agents and sources to engage in otherwise illegal activities. Recently, there has been a growing complexity of many of these operations and additional resources are required.

Impact on Performance

OI's daily activities in support of the IC include the preparation and filing of pen register/trap and trace applications, requests for the production of tangible things, and requests for statutory exemptions related to undercover operations and the conduct of otherwise illegal activities as allowed by law. They also include handling requests for Attorney General authorization to use FISA information in criminal and civil proceedings, authorizations for certain intelligence activities under Executive Order 12333, and, as described above, an extensive oversight and advisory role within the IC that continues to grow. These resources will better enable OI to meet an ever-increasing workload that directly relates to the Department's highest priority: Preventing Terrorism and Promoting the Nation's Security Consistent with the Rule of Law.

Funding

Summary

FY 2012 Enacted (w/cancellations)				FY 2013 Continuing Resolution				FY 2014 Current Services			
Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)
165	134	163	\$49,115	165	134	163	\$50,265	165	134	163	\$51,431

Personnel Increase Cost Summary

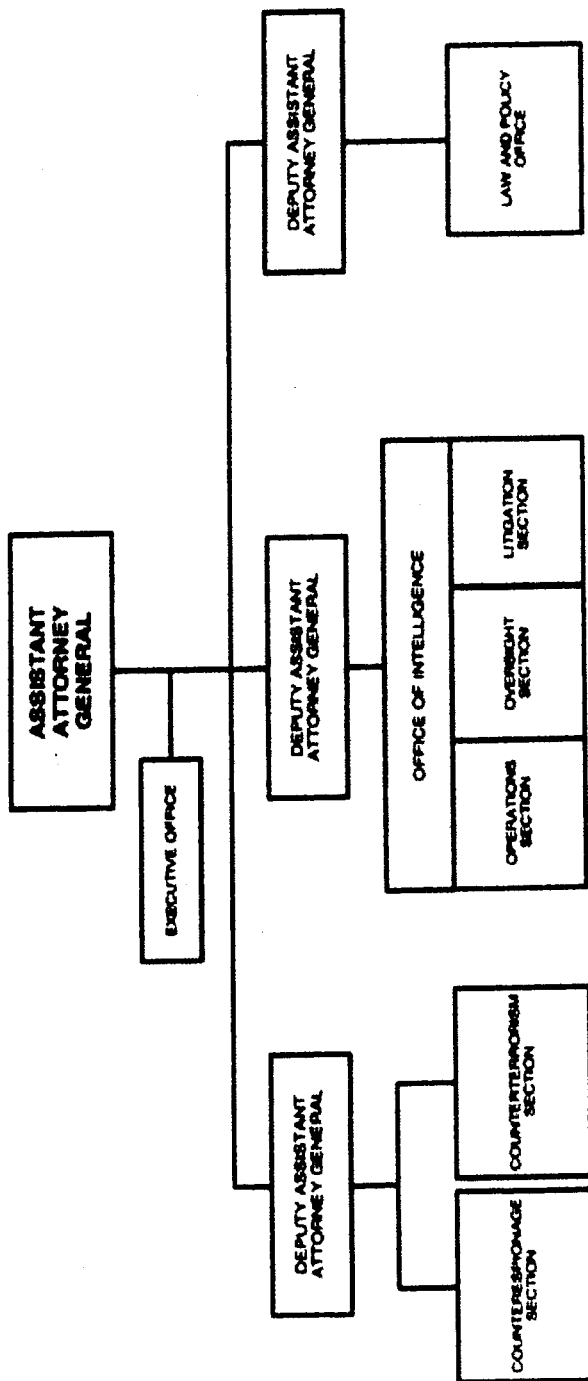
Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2014 Request (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)
Attorney (GS 15)	\$160	2	\$320	\$160
Total Personnel	\$160	2	\$320	\$160

Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)
Current Services	165	134	163	\$51,431	\$0	\$51,431	\$0
Increases	2	2	1	320	0	320	160
Grand Total	167	136	164	\$51,751	\$0	\$51,751	\$160

A. Organizational Chart

NATIONAL SECURITY DIVISION



Approved by *[Signature]* Date 7.11.07
 ALBERT J. BROWN, JR.
 Assistant Attorney General

B. Summary of Requirements

Summary of Requirements
National Security Division
Salaries and Expenses
(Dollars in Thousands)

	Direct Pos.	FY 2014 Request	Estimate FTE	Amount
2012 Enacted	359	298		87,000
2013 Continuing Resolution	359	304		87,000
2013 CR 0.012% Increase	0	0		532
Total 2013 Continuing Resolution	359	304		87,532
Technical Adjustments				
Adjustment - 2013 CR 0.012%	0	0		(532)
Total Technical Adjustments	0	0		(532)
Base Adjustments				
Transfers:				
JCON and JCON S/TS	0	0		1,182
Office of Information Policy (OIP)	0	0		(22)
Professional Responsibility Advisory Office (PRAO)	0	0		(89)
Pay and Benefits	0	6		624
Domestic Rent and Facilities	0	0		3,417
Total Base Adjustments	0	6		6,132
Total Technical and Base Adjustments	0	6		4,600
2014 Current Service	359	310		92,132
Program Changes				
Increases:				
Combating Cyber Threats to National Security	26	13		3,469
Combating Homegrown Violent Extremist Threats (HIVE)	2	1		320
Intelligence Collection	4	1		320
Subtotal, Increases	30	15		4,109
Total Program Changes	30	15		4,109
2014 Total Request	389	325		96,240
2012 - 2014 Total Change	30	27		8,708

Note: The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

B. Summary of Requirements

Summary of Requirements
National Security Division
Salaries and Expenses
(Dollars in Thousands)

Program Activity	2012 Appropriation Enacted			2013 Continuing Resolution*			2014 Technical and Base Adjustments			2014 Current Services		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
National Security Division	359	298	87,000	359	304	87,532	0	6	4,600	359	310	92,132
Total Direct	359	298	87,000	359	304	87,532	0	6	4,600	359	310	92,132
Balance Rescission			0			0			0			0
Total Direct with Rescission			87,000			87,532			4,600			92,132
Reimbursable FTE												
Total Direct and Reimb. FTE		298			304			6			310	
Other FTE: LEAP												
Overtime												
Grand Total FTE		298			304			6			310	

Program Activity	2014 Increases			2014 Offsets			2014 Request		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
National Security Division	30	15	4,108	0	0	0	359	325	96,240
Total Direct	30	15	4,108	0	0	0	359	325	96,240
Balance Rescission			0			0			0
Total Direct with Rescission			4,108			0			96,240
Reimbursable FTE									
Total Direct and Reimb. FTE		15			0			325	
Other FTE: LEAP									
Overtime									
Grand Total FTE		15			0			325	

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

FY 2014 Program Increases/Offsets by Decision Unit

National Security Division
Salaries and Expenses
(Dollars in Thousands)

Program Increases	Location of Description by Program Activity	National Security Division				Total Increases			
		Direct Pos.	Ag'l/ Abty.	Est. FTE	Amount	Direct Pos.	Ag'l/ Abty.	Est. FTE	Amount
Combating Cyber Threats to National Security	National Security Division	26	16	13	3,468	26	16	13	3,468
Combating Homegrown Violent Extremist Threats	National Security Division	2	2	1	320	2	2	1	320
Intelligence Collection	National Security Division	2	2	1	320	2	2	1	320
Total Program Increases		30	20	15	4,108	30	20	15	4,108

D. Resources by DOJ Strategic Goal and Strategic Objective

Resources by Department of Justice Strategic Goal/Objective

National Security Division
Salaries and Expenses
(Columns in Thousands)

Strategic Goal and Strategic Objective	2012 Appropriation Enacted			2013 Continuing Resolution*			2014 Current Services			2014 Increases			2014 Offsets			2014 Total Request		
	Direct/ Reimb/ FTE	Amount		Direct/ Reimb/ FTE	Amount		Direct/ Reimb/ FTE	Amount		Direct/ Reimb/ FTE	Amount		Direct/ Reimb/ FTE	Amount		Direct/ Reimb/ FTE	Amount	
Goal 1 Prevent Terrorism and Protect the Nation's Security Consistent with the Rule of Law																		
1.1 Prevent, disrupt, and defeat terrorist operations before they occur.	182	61,123	185	61,497	198	64,728	8	1,994	0	0	0	0	0	0	0	207	66,723	
1.2 Prosecute those involved in terrorist acts.	73	17,486	75	17,603	76	18,530	2	839	0	0	0	0	0	0	0	78	18,369	
1.3 Combat espionage against the United States.	33	8,378	34	8,430	35	8,873	5	1,275	0	0	0	0	0	0	0	40	10,148	
Subtotal, Goal 1	288	87,000	304	87,533	310	92,132	15	4,108	0	0	0	0	0	0	0	325	95,240	
TOTAL	288	87,000	304	87,533	310	92,132	15	4,108	0	0	0	0	0	0	0	325	95,240	

Note: Excludes Balance Recision and/or Supplemental Appropriations.

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

Justifications for Technical and Base Adjustments

National Security Division

Financial and Executive Residential Security Division

Building Your Community

[illegible]

F. Crosswalk of 2012 Availability

Crosswalk of 2012 Availability
National Security Division
Salaries and Expenses
(Dollars in Thousands)

Program Activity	2012 Appropriation Enacted w/o Balance Reversion			Balance Reversion			Reprogramming/Transfers			Carryover		Recoveries/Refunds		2012 Actual	
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Amount	Amount	Pos.	Actual FTE	Actual Amount	Amount
National Security Division	359	298	87,000	0	0	0	0	0	2,500	7,659	26	359	298	87,185	87,185
Reimbursable FTE	359	298	87,000	0	0	0	0	0	2,500	7,659	26	359	298	87,185	87,185
Total Direct and Reimb. FTE	359	298	87,000	0	0	0	0	0	2,500	7,659	26	359	298	87,185	87,185
Other FTE: LEAP		298											298	0	0
Overtime															
Grand Total FTE		298			0			0						298	

Reprogramming/Transfers: NSD transferred \$2,600,000 of prior year funds for IT related projects.

Carryover: NSD carryover of \$7,699,000 will fund IT related projects.

Recovered/Refunds: NSD has a recovery of \$26,000.

Crosswalk of 2013 Availability
National Security Division
Salaries and Expenses
(Dollars in Thousands)

Program Activity	FY 2013 Continuing Resolution*			2013 Supplemental Appropriation Amount	2013 Reprogramming/Transfers			2013 Carryover Amount	2013 Recoveries/Refunds Amount	2013 Availability		
	Direct Pos.	Estim. FTE	Amount		Direct Pos.	Estim. FTE	Amount			Direct Pos.	Estim. FTE	Amount
National Security Division	359	304	87,532	0	0	0	0	6,179	0	359	304	93,711
Total Direct	359	304	87,532	0	0	0	0	6,179	0	359	304	93,711
Balance Rescission												
Total Direct with Rescission			0									0
Reimbursable FTE			87,532									93,711
Total Direct and Reimb. FTE		304						6,179			304	
Other FTE: LEAP		0						0			0	
Overtime		0						0			0	
Grand Total FTE		304				0		6,179			304	

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

Carryover: NSD carried over \$6,179,000 of prior year funds for IT related projects.

I. Detail of Permanent Positions by Category

Detail of Permanent Positions by Category

National Security Division
Salaries and Expenses
(Dollars in Thousands)

Category	2012 Appropriation Enacted with Balance Rescissions		2013 Continuing Resolution		2014 Request				
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.	ATBs	Program Increases	Program Offsets	Total Direct Pos.	Total Reimb. Pos.
Security Specialists (080)	4		4				0	4	
Intelligence Series (132)	11		11				2	13	
Clerical and Office Services (300-399)	78		78				6	84	
Accounting and Budget (500-599)	7		7				1	8	
Attorneys (905)	236		236				20	256	
Paralegals / Other Law (900-998)	13		13				1	14	
Business & Industry (1100-1199)	1		1				0	1	
Information Technology Mgmt. (2210)	9		9				0	9	
Total	359	0	359	0	0	30	0	389	0
Headquarters (Washington, D.C.)	358		358			30		388	
U.S. Field	1		1				0	1	
Foreign Field									
Total	359		359			30		389	

K. Summary of Requirements by Grade

Summary of Requirements by Grade
National Security Division
Salaries and Expenses
(Dollars in Thousands)

Grades and Salary Ranges	2012 Enacted		2013 Continuing Resolution		2014 Request		Increase/Decrease	
	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount
SES/SL \$ 119,554 - 179,700	18		18		18		0	
GS-15 \$ 123,758 - 155,500	221		221		241		20	
GS-14 \$ 105,211 - 136,771	24		24		25		1	
GS-13 \$ 89,033 - 115,742	34		34		36		2	
GS-12 \$ 74,872 - 97,333	13		13		13		0	
GS-11 \$ 62,467 - 81,204	21		21		22		1	
GS-9 \$ 51,630 - 67,114	16		16		18		2	
GS-8 \$ 46,745 - 60,765	10		10		10		0	
GS-7 \$ 42,209 - 54,875	1		1		5		4	
GS-6 \$ 37,983 - 49,375	1		1		1		0	
Total, Appropriated Positions	359	174,273	359	175,144	389	176,895	30	176,895
Average SES Salary		121,514		122,122		123,343		123,343
Average GS Salary		14		14		14		14
Average GS Grade								

Summary of Requirements by Object Class
National Security Division
Salaries and Expenses
(Dollars in Thousands)

Object Class	2012 Actual		2013 Availability*		2014 Request		Increase/Decrease	
	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 Full-Time Permanent	298	36,818	304	42,497	325	45,443	21	2,946
11.3 Other than Full-Time Permanent	0	0	0	0	0	0	0	0
11.5 Other Personnel Compensation	0	583	0	595	0	595	0	0
Overhead	0	0	0	0	0	0	0	0
Other Compensation	0	0	0	0	0	0	0	0
11.8 Special Personnel Services Payments	0	498	0	0	0	0	0	0
Total	298	38,517	304	43,717	325	46,653	21	2,946
Other Object Classes								
12.0 Personnel Benefits		11,027		12,753		13,054		301
21.0 Travel and Transportation of Persons		1,275		2,141		2,141		0
22.0 Transportation of Things		752		760		760		0
23.1 Rental Payments to GSA		9,448		9,803		10,857		954
23.2 Rental Payments to Others		203		213		213		0
23.3 Communications, Utilities, and Miscellaneous Charges		3,971		4,176		7,703		3,527
24.0 Printing and Reproduction		2		1		1		0
25.1 Advisory and Assistance Services		1,124		1,150		1,150		0
25.2 Other Services from Non-Federal Sources		8,886		9,825		8,245		(1,580)
25.3 Other Goods and Services from Federal Sources		2,502		3,950		2,498		(1,452)
25.4 Operation and Maintenance of Facilities		0		5		0		5
25.6 Medical Care		28		195		22		167
25.7 Operation and Maintenance of Equipment		213		183		195		0
26.0 Supplies and Materials		321		233		255		0
31.0 Equipment		6,953		4,646		2,478		(2,157)
Total Obligations		85,286		93,711		95,240		2,529
Subtract - Unobligated Balance, Start-of-Year		(7,659)		(6,173)		0		6,179
Subtract - Transfers/Reprogramming		(2,500)		0		0		0
Subtract - Recoveries/Refunds		(26)		0		0		0
Add - Unobligated End-of-Year, Available		6,179		0		0		0
Add - Unobligated End-of-Year, Expiring		5,740		0		0		0
Total Direct Requirements	0	87,000	0	87,532	0	98,240	0	8,708
Reimbursable FTE								
Full-Time Permanent								
23.1 Rental Payments to GSA (Reimbursable)								
25.3 Other Goods and Services from Federal Sources								

*The 2013 Availability includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

General Legal Activities

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* Refer to the General Legal Activities Components' Exhibits

I. Overview for General Legal Activities

The General Legal Activities (GLA) appropriation is requesting a total of 4,420 permanent positions, 4,367 workyears (including 550 reimbursable workyears) and \$902,605,000. This resource level represents program increases of 200 positions, 103 workyears and \$28,180,000 and program offsets of \$463,000. The FY 2014 request includes net adjustments-to-base (ATBs) of -7 positions, -4 workyears, and \$6,236,000. The FY 2014 program increases and program offsets are outlined below. Specific details about individual programs are discussed in the General Legal Activities Components' Budgets.

PROGRAM INCREASES:

Financial Fraud

Criminal Division: 28 positions, 14 workyears and \$5 million

Civil Division: 51 positions, 26 workyears and \$7 million

Civil Rights Division: 15 positions, 8 workyears and \$1.5 million

Intellectual Property

Criminal Division: 11 positions, 6 workyears and \$3.5 million

Civil Rights Enforcement

Civil Rights Division: 50 positions, 25 workyears and \$5.072 million

Police Misconduct Enforcement

Civil Rights Division: 20 positions, 10 workyears and \$1.928 million

Cyber Security

Criminal Division: 25 positions, 14 workyears and \$2.580 million

Attorney Productivity Initiative

Civil Division: 0 positions, 0 workyears and \$1.6 million

PROGRAM OFFSETS:

Administrative Functions Consolidation:

Office of Solicitor General: \$.231M

Office of Legal Counsel: \$.232M

Appropriations Language

New language proposed for FY 2014 is *italicized and underlined*.

Salaries and Expenses, General Legal Activities

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, [\$903,603,000] \$902,605,000, of which not to exceed \$10,000,000 for litigation support contracts shall remain available until expended: Provided, That of the total amount appropriated, not to exceed \$9,000 shall be available to INTERPOL Washington for official reception and representation expenses: Provided further, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That of the amount appropriated, such sums as may be necessary shall be available to reimburse the Office of Personnel Management for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (42 U.S.C. 1973f): Provided further, That of the amounts provided under this heading for the election monitoring program \$3,390,000, shall remain available until expended.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$7,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

Analysis of Appropriation Language

No substantive changes proposed

Summary of Requirements
General Legal Activities
 Salaries and Expenses
 (Dollars in Thousands)

	Direct Pos.	FY 2014 Budget	FY 2014 Estimate	FTE	Amount
2012 Enacted	4,227	3,882	0	0	865,387
2013 Continuing Resolution					
2013 CR 0.81% Increase					5,285
Total 2013 Continuing Resolution (with Balance Reclassification and Supplemental)					868,922
Technical Adjustments	4,227	3,718	0	0	0
Supplemental Adjustment - Sandy Hurricane Relief					0
Adjustment - 2013 CR 0.81%					-5,285
Base Adjustments					-4,285
Transfers:					
Transfer - Administrative positions - From OLC	6	6	6	6	570
Transfer - Administrative Positions - to OGC	-6	-6	-6	-6	-570
Transfer - Administrative Positions - to OIG	0	0	0	0	3,458
Transfer - Office of Information Policy (OIP) - From Components	0	0	0	0	0
Transfer - Office of Information Policy (OIP) - From Components	-3	-3	-3	-3	-755
Transfer - Office of Legal Policy (OLP) - From Components	-2	-2	-2	-2	-587
Transfer - Office of Tribal Justice (OTJ) - From Components	0	0	0	0	-948
Transfer - Office of Tribal Justice (OTJ) - From Components	-8	-8	-8	-8	-773
Transfer - Office of Tribal Justice (OTJ) - From Components	-2	-2	-2	-2	-7,508
Transfer - Office of Tribal Justice (OTJ) - From Components	0	0	0	0	5,687
Transfer - Office of Tribal Justice (OTJ) - From Components	0	0	0	0	0
Transfer - Office of Tribal Justice (OTJ) - From Components	0	0	0	0	0
Transfer - Office of Tribal Justice (OTJ) - From Components	0	0	0	0	-2,531
Transfer - Office of Tribal Justice (OTJ) - From Components	-7	-7	-7	-7	11,821
Transfer - Office of Tribal Justice (OTJ) - From Components	4,220	3,714	4	4	8,758
2014 Current Services	4,220	3,714	0	0	874,496
Program Changes					
Transfers:					
Transfer - Other Security (OSU)	28	14	14	14	2,580
Transfer - Financial and Mortgage Fraud (CRM)	28	14	14	14	2,580
Transfer - Intellectual Property (CRIM)	11	6	6	6	3,500
Transfer - Money Laundering (CIV)	51	28	28	28	1,600
Transfer - Money Laundering (CIV)	51	28	28	28	7,000
Transfer - Money Laundering (CIV)	15	8	8	8	1,500
Transfer - Financial and Mortgage Fraud (CRM)	20	10	10	10	1,328
Transfer - Police Misconduct Enforcement (CRT)	200	103	103	103	28,186
Transfer - Subtotal, Increases	0	0	0	0	-231
Transfer - Administrative Functions Consolidation	0	0	0	0	-232
Transfer - OLC/OSU Enacted Office Merger	0	0	0	0	0
Transfer - Subtotal, Offsets	200	103	103	103	27,717
Total Program Changes	4,420	3,817	0	0	802,485
2014 Total Request	4,420	3,817	0	0	867,981
2014 Balance Reclassification (if applicable)					0
2014 Total Request (with Balance Reclassification)	4,420	3,817	0	0	867,981
2012 - 2014 Total Change	193	44	0	0	36,239

Note: The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

Summary of Requirements
Current Legal Activities
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	2012 Appropriation Enacted			2013 Continuing Resolution			2014 Technical and Base Adjustments			2014 Current Services		
	Direct Pos	Actual FTE	Amount	Direct Pos	Est. FTE	Amount	Direct Pos	Est. FTE	Amount	Direct Pos	Est. FTE	Amount
Conduct of Supreme Court proceedings and review of appellate matters	48	48	10,724	48	48	10,700	6	6	876	54	55	11,566
General tax matters	521	521	104,911	521	521	104,911	0	0	0	639	639	105,479
Administrative matters	751	696	174,000	751	670	175,065	-1	-1	-3,640	750	669	171,419
Claims, customs and general civil matters	1,420	1,326	283,103	1,420	1,233	284,056	0	0	3,877	1,420	1,233	288,713
Land, natural resources and Indian matters	537	531	108,006	537	520	108,670	-8	-8	3,952	537	520	112,632
Aspirations	37	28	7,605	37	28	7,652	-1	-1	-250	29	20	7,402
Civil rights matters	715	648	144,500	715	630	145,384	-1	-1	1,349	714	629	146,733
INTERPOL - U.S. National Central Bureau	77	67	29,754	77	69	29,056	0	0	40	77	69	29,844
Dispute Resolution	2	2	735	2	2	800	-3	0	-800	0	0	0
Total Direct	4,227	3,862	883,387	4,227	3,718	885,632	-7	-4	6,338	4,220	3,714	874,865
Balance Recission			0			0			0			0
Total Direct with Recission		50	850,387		50	885,632			5,258		50	874,865
Reimbursable FTE		4,382			4,380			-4			4,284	
Total Direct and Reimb. FTE												
Other FTE:												
LEAP												
Grand Total FTE		4,382			4,380						4,284	

Program Activity	2014 Increases			2014 Offsets			2014 Reversals		
	Direct Pos	Actual FTE	Amount	Direct Pos	Est. FTE	Amount	Direct Pos	Est. FTE	Amount
Conduct of Supreme Court proceedings and review of appellate matters	0	0	0	0	0	-231	54	55	11,455
Criminal matters	0	0	0	0	0	639	519	519	106,473
Criminal matters	64	34	11,060	0	0	814	703	703	182,459
Claims, customs and general civil matters	61	26	8,000	0	0	1,471	1,259	1,259	297,313
Land, natural resources and Indian matters	0	0	0	0	0	537	520	520	115,032
Legal options	65	43	8,950	0	0	-232	759	67	155,233
Civil rights matters	0	0	0	0	0	0	0	0	0
INTERPOL - U.S. National Central Bureau	0	0	0	0	0	0	77	69	29,844
Dispute Resolution	0	0	0	0	0	-463	4,420	3,817	902,605
Total Direct	260	103	28,160	0	0	-463	4,420	3,817	902,605
Balance Recission			0			0			0
Total Direct with Recission		103	28,160		0	-463			902,605
Reimbursable FTE									4,380
Total Direct and Reimb. FTE									
Other FTE:									
LEAP									
Grand Total FTE		103			0				4,380

*The 2013 Continuing Resolution includes the \$412m, funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 113-175, Section 101(c)).

Crosswalk of 2012 Availability
General Legal Activities
Salaries and Expenses
(Dollars in Thousands)

Program Activity	2012 Appropriation Enclosed w/o Balance Reversion			Balance Reversion			Reprogramming/Transfers			Reallocations			Carryover		Recoveries/Refunds		2012 Actual	
	Direct	Actual FTE	Amount	Direct	Actual FTE	Amount	Direct	Actual FTE	Amount	Direct	Actual FTE	Amount	Amount	Pos	Amount	Pos	Actual FTE	Amount
Contract of Superior Court proceedings and review of appellate matters	48	48	\$10,724	0	0	0	50	6	\$143	0	0	0	0	54	0	54	49	10,087
General tax matters	639	527	104,877	0	0	0	0	0	0	0	0	0	564	639	68	751	527	105,509
Criminal matters	751	686	174,000	0	0	0	0	0	(269)	0	0	0	4,357	0	5	0	686	178,103
Claims, customs and general civil matters	1,420	1,326	283,103	0	0	0	0	0	0	0	0	557	1,106	1,420	234	1,420	1,326	285,000
Land, natural resources and Indian	337	331	108,009	0	0	0	0	0	0	0	0	0	2,000	4	0	0	331	111,513
Legal opinions	37	28	7,605	0	0	0	0	(6)	(13)	0	0	0	0	0	0	31	27	2,482
Civil rights matters	715	648	144,500	0	0	0	0	0	0	0	0	0	0	715	0	715	648	144,500
INTERPOL - U.S. National Central Bureau	77	67	29,754	0	0	0	0	0	0	0	0	0	0	0	0	77	67	29,754
Dispute Resolution	3	3	795	0	0	0	0	(3)	(2)	0	0	0	0	0	0	0	1	145
Legal activities office automation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Automated Litigation Support	0	0	0	0	0	0	0	0	1,112	0	0	(2,031)	1,977	0	0	0	0	1,063
Reimbursable FTE	4,371	3,864	860,389	0	0	0	0	0	289	0	0	0	28	0	311	4,324	3,865	872,918
Total Direct and Reimb FTE	4,384	4,384		0	0	0	0	-2		0	0	0					520	
Other FTE:																		
LEAP	0	0		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Overtime	0	0		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Grand Total FTE	4,384	4,384		0	0	0	0	-2		0	0	0					4,382	

Reprogramming/Transfers

Funds of \$1,159K were reprogrammed from OLC to OSC as a result of the merger of executive offices functions.

Criminal Division reprogrammed \$269K from their carryover resources of the FARA position to GLA's ALS account.

The Office of Dispute Resolution was transferred to the General Administration appropriation in FY 2012.

The transfer of \$850,000 to GLA's ALS account reflects transfers of unobligated balances from GLA prior years' accounts

Reallocations:

Funds of \$2,057K were reallocated from GLA's ALS account to Civil Division's (\$557K) and Environment's (\$1,500) ALS accounts

Funds of \$26K were reprogrammed from JCRN's office automation account to GLA's ALS account.

Funds were carried over into FY 2012 from the GLA's 2011 no-year account (\$7,207K), GLA's 2011/2012 two-year account (\$2,606K) and GLA's VCRP no-year account (\$207K).

Recoveries/Refunds:

Recoveries total \$311,298. GLA's no-year account (\$289,120) and GLA's VCRP account (\$24,178).

Crosswalk of 2013 Availability
General Legal Activities
Salaries and Expenses
(Dollars in Thousands)

Program Activity	FY 2013 Continuing Resolution		2013 Supplemental Appropriation		2013 Reprogramming/Transfers		Reallocations		2013 Carryover		2013 Recoveries/Refunds		2013 Availability	
	Direct Pos	Estim FTE	Amount	Amount	Direct Pos	Estim FTE	Amount	Amount	Amount	Amount	Direct Pos	Estim FTE	Amount	Amount
Conduct of Supreme Court proceedings and review of applications for writs	48	49	\$10,790	\$0	6	6	\$570	0	\$0	\$0	54	55	11,560	
General legal matters	639	519	102,519	0	0	0	0	0	0	11	639	519	105,899	
Criminal matters	751	670	175,065	0	0	0	0	0	0	424	751	670	175,480	
Chiropractic, customs and general civil matters	1,420	1,233	284,836	0	0	0	0	0	0	517	1,420	1,233	285,354	
Land, natural resources and Indian matters	537	520	108,670	0	0	0	0	300	2,004	0	537	520	110,674	
Legal opinions	37	28	7,652	0	(6)	(6)	(570)	0	0	0	29	20	7,082	
Civil rights matters	715	650	145,384	0	0	0	0	0	0	0	715	650	145,384	
INTERPOL - U.S. National Central Bureau	77	69	29,976	0	0	0	0	0	0	0	77	69	29,938	
Dispute Resolution	3	3	860	0	(3)	(3)	(800)	0	0	0	0	0	0	
Legal services offices administration	0	0	0	0	0	0	0	0	0	0	0	0	0	
Automated litigation support	0	0	0	0	0	0	1,450	(300)	1,065	0	0	0	2,215	
Total Direct	4,227	3,721	868,832	0	-5	-5	680		4,021	371	4,222	3,716	873,894	
Balance Recession			859,652	0									873,894	
Total Direct with Recession			859,652	0									873,894	
Reimbursable FTE		550				-5			4,021			550		
Total Direct and Reimb. FTE		4,271										4,266		
Other FTE:														
LEAP		0				0			0			0		
Overtime		0				-5			4,021			0		
Grand Total FTE		4,271				-5			4,021			4,266		

Reprogramming/Transfers

A total of \$570K and 6 positions will be reprogrammed from OLC to OSG as a result of the merger of executive office functions. A consolidation of vacancies under OLC resulted in further decrease of 2 positions and 2 FTE. Office of Dispute Resolution resources will be transferred to the General Administration Appropriations as the program was transferred to GA in 2012. The transfer of \$1,450,000 to GLA's ALS account reflects transfers of unobligated balances from GLA prior year's accounts.

Reallocations

Funds of \$5300K were reallocated from GLA's ALS account to Environment's ALS account.

Carryover

Funds were carried over into FY 2013 from the GLA's 2012 no-year account (\$1,790K), and GLA's VCRP no-year account (\$231K).

Recoveries/Refunds:

Recoveries from GLA's no-year account total \$370,672.

- The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c))

I. Detail Permanent Positions by Category

Detail of Permanent Positions by Category

General Legal Activities
Salaries and Expenses
(Dollars in Thousands)

Category	2012 Appropriation Enacted		2013 Continuing Resolution		ATBs	Program Increases	2014 Request		Total Direct Pos.	Total Reimb. Pos.
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.			Program Offsets			
Miscellaneous Operations (010-098)	8	0	9	0	0	0	0	0	9	0
Security Specialists (080)	21	0	20	0	0	0	0	0	20	0
Economist (110)	1	0	1	0	0	2	0	0	2	0
Intelligence Series (132)	16	0	16	0	0	0	0	0	16	0
Civil Rights Analyst (160)	37	0	37	0	0	2	0	0	38	1
Personnel Management (200-298)	824	107	824	109	-5	40	0	0	859	109
Clerical and Office Services (300-399)	35	35	35	35	0	5	0	0	40	35
Accounting and Budget (500-598)	10	10	10	10	0	0	0	0	10	0
Architect (608)	2,641	282	2,641	288	-2	108	0	0	2,747	288
Attorneys (905)	540	45	540	47	-1	28	0	0	567	47
Paralegals / Other Law (900-998)	7	1	7	1	0	0	0	0	7	1
Information & Arts (1000-1099)	7	0	7	0	0	0	0	0	7	0
Business & Industry (1100-1199)	4	4	4	4	0	0	0	0	4	4
Forensic Scientist (1301)	5	0	5	0	0	0	0	0	5	0
Library (1400-1499)	3	0	3	0	0	3	0	0	6	0
Mathematical Statistics (1529)	0	0	0	0	0	0	0	0	0	0
Equipment/Facilities Services (1600-1699)	0	0	0	0	0	0	0	0	0	0
Miscellaneous Inspectors Series (1802)	0	0	0	0	0	3	0	0	3	0
Criminal Investigative Series (1811)	0	0	0	0	0	0	0	0	0	0
Supply Services (2000-2099)	0	0	0	0	1	0	0	0	1	0
Travel Services (2101)	72	1	72	1	1	1	0	0	79	1
Information Technology Mgmt (2210)	0	0	0	0	0	7	0	0	7	0
Motor Vehicle Operations (5703)	0	0	0	0	0	0	0	0	0	0
Total	4,227	476	4,227	487	-7	200	0	0	4,420	487
Headquarters (Washington, D.C.)	4,134	332	4,104	342	-7	196	0	0	4,293	342
U.S. Field	78	11	108	12	0	0	0	0	108	12
Foreign Field	15	133	15	133	0	4	0	0	19	133
Total	4,227	476	4,227	487	-7	200	0	0	4,420	487

K. Summary of Requirements by Grade

Summary of Requirements by Grade

General Legal Activities
Salaries and Expenses
(Dollars in Thousands)

Grades and Salary Ranges		2012 Enacted		2013 Continuing Resolution		2014 Request		Increase/Decrease	
		Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount
EX	\$ 145,700 - 199,700	7	1,208,900	7	1,214,945	7	1,227,034	0	12,089
SES/SL	\$ 119,554 - 179,700	174	26,035,098	174	26,165,273	174	26,425,624	0	260,351
GS-15	\$ 123,758 - 185,500	2,083	290,847,207	2,098	294,406,350	2,095	296,910,596	-3	2,504,246
GS-14	\$ 105,211 - 136,771	408	49,384,328	416	50,583,917	532	65,332,720	116	14,748,803
GS-13	\$ 89,033 - 115,742	324	33,173,550	325	33,442,317	330	34,294,693	5	852,376
GS-12	\$ 74,872 - 97,333	214	18,425,935	226	19,558,461	249	21,761,115	23	2,204,655
GS-11	\$ 62,467 - 81,204	326	23,418,373	303	21,874,987	313	22,821,779	10	946,792
GS-10	\$ 56,857 - 73,917	106	6,931,022	25	1,642,848	25	1,659,195	0	16,347
GS-9	\$ 51,630 - 67,114	174	10,330,728	253	15,096,222	283	17,054,310	30	1,958,089
GS-8	\$ 46,745 - 60,765	129	6,934,395	129	6,969,067	130	7,092,972	1	123,905
GS-7	\$ 42,209 - 54,875	180	8,737,560	170	8,293,401	180	8,868,623	10	575,223
GS-6	\$ 37,983 - 49,375	21	917,259	21	921,845	21	931,018	0	9,173
GS-5	\$ 37,075 - 44,293	30	1,220,520	33	1,349,285	34	1,404,005	1	54,720
GS-4	\$ 30,456 - 39,590	23	805,529	24	844,755	24	853,160	0	8,406
GS-3	\$ 27,130 - 35,289	19	592,791	16	501,688	16	506,680	0	4,992
GS-2	\$ 24,865 - 31,292	9	252,707	7	197,532	7	199,498	0	1,965
GS-1	\$ 22,115 - 27,663	0	0	0	0	0	0	0	0
Total, Appropriated Positions		4,227	479,195,901	4,227	483,060,894	4,420	507,343,024	193	24,282,130
Average SES Salary			149,627		150,375		151,871		1,496
Average GS Salary			111,703		112,625		113,161		536
Average GS Grade			13		13		13		

Summary of Requirements by Object Class

General Legal Activities
Salaries and Expenses
(Dollars in Thousands)

Object Class	2012 Actual		2013 Availability *		2014 Request		Increase/Decrease	
	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 Full-Time Permanent	3,561	411,889	3,438	421,012	3,554	437,812	96	16,800
11.3 Other than Full-Time Permanent	296	29,070	256	27,895	259	27,895	3	36
11.5 Other Personnel Compensation	7	4,974	12	4,725	12	4,599	0	-126
Overtime	0	0	0	0	0	0	0	0
Other Compensation	0	0	0	0	0	0	0	0
11.8 Special Personal Services Payments	0	2,172	0	3,953	0	4,321	0	369
Total	3,863	448,105	3,726	457,549	3,825	474,627	99	17,078
Other Object Classes								
12.0 Personnel Benefits		124,814		122,612		130,076		7,464
13.0 Benefits for former personnel		654		60		60		0
21.0 Travel and Transportation of Persons		15,322		16,693		17,630		937
22.0 Transportation of Things		5,537		4,388		4,462		74
23.1 Rental Payments to GSA		104,608		107,264		106,012		-1,252
23.2 Rental Payments to Others		3,373		2,698		2,990		52
23.3 Communications, Utilities, and Miscellaneous Charges		12,887		13,620		14,055		435
24.0 Printing and Reproduction		1,694		1,873		1,914		41
25.1 Advisory and Assistance Services		14,450		13,087		13,505		418
25.2 Other Services from Non-Federal Sources		79,021		84,005		81,167		-2,899
25.3 Other Goods and Services from Federal Sources		23,233		22,900		25,512		2,712
25.4 Operation and Maintenance of Facilities		0		64		64		0
25.5 Research and Development Contracts		0		0		0		0
25.6 Medical Care		393		292		335		43
25.7 Operation and Maintenance of Equipment		961		672		697		25
25.8 Substance and Support of Persons		0		0		0		0
26.0 Supplies and Materials		4,212		4,114		4,379		265
31.0 Equipment		10,707		4,696		7,284		2,588
32.0 Land and Structures		61		0		3,085		3,085
41.0 Grants, Subsidies, and Contributions		10,188		14,791		14,791		0
42.0 Insurance Claims and Indemnities		709		0		0		0
Total Obligations		861,237		871,479		902,605		31,128
Subtract - Unobligated Balance, Start-of-Year		-10,014		-2,956		0		2,956
Subtract - Transfers/Reprogramming		-200		800		0		-800
Subtract - Reallocations		-26		-300		0		0
Subtract - Recoveries/Refunds		-311		-371		0		371
Add - Unobligated End-of-Year, Available		4,021		0		0		0
Add - Unobligated End-of-Year, Expired		8,660		0		0		0
Total Direct Requirements		863,367		868,652		902,605		33,653
Reimbursable FTE								
Full-Time Permanent	520		550		550		0	0
23.1 Rental Payments to GSA (Reimbursable)		0	0	0		0	0	0
25.3 Other Goods and Services from Federal Sources - DHS Security (Reimbursable)		0	0	0		0	0	0

*The 2013 Availability includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

Tax Division
United States Department of Justice

FY 2014 Congressional Budget



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I. Overview

A. Introduction

The Tax Division has one purpose: to enforce the nation's tax laws fully, fairly, and consistently, through both criminal and civil litigation. To accomplish this, the Tax Division requests a total of 623 permanent positions (370 attorneys), 519 full-time equivalent (FTE) work years and \$106,479,000 for FY 2014. Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.justice.gov/02organizations/bpp.htm>.

The United States engages with all Americans through our tax system. We ask our citizens, residents, and those who earn income in this country to report their confidential financial information annually and to self-assess and pay their tax liabilities. These tax collections then fund government services, from national defense to national parks. The United States, therefore, has an obligation to ensure fair and consistent enforcement of our tax laws. We owe each person and business complying with the tax laws a commitment to enforce the laws against those who do not comply. We also owe every taxpayer the assurance that our tax laws will be enforced on a consistent basis throughout the nation. Meeting these obligations is the Tax Division's central mission.

The Tax Division represents the United States in virtually all litigation – civil and criminal, trial and appellate – arising under the internal revenue laws, in all state and federal courts except the United States Tax Court. To assist the Internal Revenue Service in effectively enforcing the tax laws, Tax Division litigators must support the Service's investigations and determinations in civil cases and also prosecute criminal violations of the revenue laws. Tax Division civil litigators enforce the Service's requests for information in ongoing examinations, and collect and defend tax assessments when the Service's examinations are complete. The Civil sections of the Tax Division have, on average, nearly 6,000 civil cases in process annually. In any given year, the Tax Division's civil appellate attorneys handle about 700 civil appeals, about half of which are from decisions of the Tax Court, where IRS attorneys represent the Commissioner. To help achieve uniformity in nationwide standards for criminal tax prosecutions, the Tax Division's criminal prosecutors authorize almost all grand jury investigations and prosecutions involving violations of the internal revenue laws. Alone or in conjunction with Assistant United States Attorneys, Tax Division prosecutors investigate and prosecute these crimes. The Division authorizes between 1,300 and 1,800 criminal tax investigations annually.

The Tax Division's litigation activities are an indispensable part of our Nation's tax system. The Division contributes to tax enforcement in many ways: by the immediate and long-term financial impact of its cases; by the salutary effect our civil and criminal litigation has on voluntary compliance with the tax laws; by ensuring fair and uniform enforcement of the tax laws; by defending IRS employees against charges arising from the conduct of their official duties; and by lending the financial-crimes expertise of our tax prosecutors to the enforcement of other laws with financial aspects.

1. **Financial Impact: Immediate as well as Long-Term.** The Division's work has an immediate financial impact on the Federal Treasury. From FY 2008 - FY 2012, the Tax Division's investment in attorneys has yielded a 14:1 payoff for the Federal Treasury. That is, taking into account the tax dollars collected and the tax refunds not paid as a result of our tax litigation, the Division's trial attorneys have returned \$14 for each dollar invested.

Return on Investment for Tax Division Attorneys

	2008	2009	2010	2011	2012
Collections in millions	\$179	\$261	\$566	\$112	\$292
Refund Suit Savings in millions*	\$803	\$668	\$714	\$440	\$1,139
Total in millions	\$982	\$929	\$1,280	\$552	\$1,431
Attorney FTE	336	349	394	389	373
Dollars collected, refunds saved per attorney FTE	\$ 2,922,619	\$ 2,661,894	\$ 3,248,731	\$ 1,419,023	\$ 3,836,461
Modular cost per attorney FTE	\$ 173,343	\$ 199,639	\$ 199,639	\$ 199,639	\$ 224,000
Return on Investment per Attorney FTE	17:1	14:1	16:1	7:1	17:1
5 year Average	14:1				
4 year Average	14:1				
*Includes only amounts involved in litigation completed during each fiscal year					

Yet, significant as these dollars are, they pale in comparison to the long-term financial impact of the Division's work. The Division is currently defending refund suits that collectively involve over \$9.6 billion dollars.¹ This amount measures only the amount involved in the lawsuits themselves. It does not include the amounts at issue with the same taxpayers for other years or the amounts at issue with other taxpayers who will be bound by the outcome of the litigation. Decisions in the Division's cases may reduce the need for future administrative and judicial tax proceedings, by creating binding precedents that settle questions of law that govern millions of taxpayers. Moreover, millions more dollars are saved each year because the Division successfully defends the Government against many other tax-related suits brought by taxpayers and third parties.

2. **Improving Voluntary Compliance.** The Tax Division's success rate in its litigation – more than 90% – has an enormous effect on voluntary tax compliance.² By law, the IRS cannot make public the fact of an IRS audit, or its result. By contrast, the Tax Division's important tax litigation victories receive wide media coverage, leading to a significant multiplier effect on voluntary compliance.³ Efforts of the IRS and the Tax Division are having a positive effect on voluntary compliance. According to the most recent survey by the IRS Oversight Board, 87 percent of those

¹ See IRS Data Books 2011, <http://www.irs.gov/uac/SOI-Tax-Stats-2>, Table 27.

² A widely regarded study concluded that the marginal indirect revenue-to-cost ratio of a criminal conviction is more than 16 to 1. While no comparable study of civil litigation exists, the same research suggests that IRS civil audits – the results of which are not publicly disclosed – have an indirect effect on revenue that is more than 10 times the adjustments proposed in those audits. Alan H. Plumley, *The Determinants of Individual Income Tax Compliance*, pp. 35, 40, Internal Revenue Service Publication 1916 (1996).

³ "The IRS ... found that taxpayers who heard about IRS audit activity via the media [rather than through word of mouth] were less likely to cheat..." Leandra Lederman, *The Interplay Between Norms and Compliance*, 64 Ohio. St. L. J. 1453, 1494-95 (2003), quoting Robert M. Melia, *Is the Pen Mightier than the Audit?*, 34 Tax Notes 1309, 1310 (1987).

surveyed think it is “not at all” acceptable to cheat on taxes.⁴ The public attitude that it is not at all acceptable to cheat on your income taxes increased between 2011 and 2012 from 84 percent to 87 percent, while tolerance for tax cheating dropped from 14 percent to 11 percent—one of its lowest levels ever recorded in the Board’s survey. Also, the Commissioner’s Offshore Voluntary Disclosure Initiatives, operating alongside the Division’s ongoing criminal and civil enforcement actions concerning unreported offshore accounts, have resulted in an unprecedented number of taxpayers – over 38,000 since 2009 – attempting to “return to the fold” and paying back taxes, interest and penalties totaling over \$5.5 billion dollars. As an integral part of the IRS’s enforcement efforts, the Tax Division is partially responsible for the IRS’s ability to collect over \$2 trillion in taxes each year.⁵

3. ***Fair and Uniform Enforcement of Tax Law.*** The Tax Division plays a major role in assuring the public that the tax system is enforced uniformly and fairly. Because the Division independently reviews the merits of each case the Internal Revenue Service requests be brought or defended, it is able to ensure that the Government’s litigating positions are consistent with applicable law and policy. An observation about the Division made nearly 70 years ago still rings true today: “[T]he Department of Justice, as the Government’s chief law office, is in a position to exercise a more judicial and judicious judgment...With taxes forming a heavy and constant burden it is essential that there be this leavening influence in tax litigation. Next to the constant availability of the courts, the existence of the Division is the greatest mainstay for the voluntary character of our tax system.”⁶
4. ***Defending IRS Officials and the United States against Damage Suits.*** The Tax Division effectively defends IRS agents and officers, and the Government itself, against unmeritorious damage suits. Absent representation of the quality provided by the Division, these suits could cripple or seriously impair effective tax collection and enforcement.
5. ***Expertise in Complex Financial Litigation.*** The Division’s investigations, prosecutions, and civil trials often involve complex financial transactions and large numbers of documents. The Division is able to use the unique expertise its attorneys have developed in litigating complex tax cases to assist in other important areas of law enforcement, including:
 - fighting terrorism as part of the Joint Terrorism Task Force, by investigating and prosecuting people and organizations that funnel money to terrorists;
 - combating financial fraud as part of the President’s Financial Fraud Enforcement Task Force;
 - stopping drug trafficking as part of the Organized Crime and Drug Enforcement Task Force (OCDETF); and investigating public corruption by working on prosecution teams with attorneys from various United States Attorney’s Offices and the Department’s Criminal Division.

⁴ See IRS Oversight Board 2012 Taxpayer Attitude Survey, February, 2013, <http://www.treas.gov/irsob/board-reports.shtml>.

⁵ See Internal Revenue Service Data Book, 2011, Table 1, <http://www.irs.gov/uac/SOI-Tax-Stats-IRS-Data-Book>.

⁶ Lucius A. Buck, *Federal Tax Litigation and the Tax Division of the Department of Justice*, 27 Va. L. Rev. 873, 888 (1940).

B. Full Program Costs

The FY 2014 budget request assumes 72% of the Division's budget and expenditures can be attributed to its Civil Tax Litigation and Appeals and 28% percent to Criminal Tax Prosecution and Appeals. This budget request incorporates all costs, including mission costs related to cases and matters, mission costs related to oversight and policy, and overhead.

C. Environmental Accountability

The Tax Division has in place existing policies to incorporate environmental accountability in its day-to-day operations. These include green purchasing policies such as: (i) mandating the purchase of recycled paper products (copier/printer paper, paper towels) and (ii) training and written guidance on green purchasing for those employees responsible for purchasing office supplies. In addition, Tax reduces waste and environmental impact by: (i) setting the default on printers to two-sided printing; (ii) placing recycling bins for paper, glass, aluminum, and plastic in central locations and providing paper recycling containers for individual employee use; (iii) recycling used printer cartridges; (iv) promoting distribution of documents in electronic format only; (v) promoting scanning instead of photocopying; and (vi) recycling Blackberries, cell phones, laptops, computers and computer battery packs. The Tax Division has an environmentally friendly sound destruction method in which sensitive materials that previously were burned are now shredded and recycled.

The Division continues to work to reduce the environmental impact of its buildings. The Division is working with each building's Property Manager as they pursue LEED Certifications for their facilities through the General Services Administration and U.S. Green Building Counsel. On May 25, 2012, the Patrick Henry Building earned a Prestigious "LEED Silver Certification. Tax-occupied space in the Judiciary Center Building has been retrofitted with energy-efficient light fixtures and light bulbs, and motion sensors have replaced light switches throughout the Patrick Henry Building. The Division works with construction and maintenance contractors to use green materials whenever possible.

D. Performance Challenges

The Tax Division faces two serious and immediate challenges to the accomplishment of its mission.

External – Reducing the Tax Gap amid Increasing Globalization

The IRS collects more than \$2.27 trillion annually. More than \$2.21 trillion (or 97% of total collections) results from taxpayers' voluntary compliance with the tax law; the remainder, \$65 billion, comes from enforcement activity. The IRS estimates that the annual Tax Gap – the difference between taxes owed and taxes paid voluntarily and timely – is more than \$450 billion, an increase of \$105 billion over the last estimate. The new tax gap estimate represents the first full update of the report since the last review in 2007. The IRS Oversight Board cited "Reducing the Tax Gap" as the "most serious problem facing tax administration today."⁷ This problem is exacerbated by the vast increase in financial globalization, which has expanded the opportunities for assets and income to be easily hidden offshore.

⁷ IRS Oversight Board, FY 2009 Budget Recommendation, Special Report, March 2008.

Reducing the Tax Gap will require increased enforcement. The challenge is to narrow that gap in a manner that not only collects the revenue due, but also assures the public that enforcement actions are vigorous, fair, and uniform.

Internal – Retaining an Experienced Workforce to Handle Complex Litigation

The Tax Division's workload is directly related to IRS enforcement efforts. Historically, an increase in IRS enforcement activity leads to increased Division workload, with a lag time of about two years. Congress increased the IRS's enforcement budget by \$200 million from FY 2009 to FY 2012. Based on IRS enforcement numbers, the Division is projecting increasing workloads for at least fiscal years 2012 through 2014. Moreover, it is expected that the Division's case mix – both civil and criminal – will continue to become increasingly complex, as the IRS focuses its enforcement efforts on offshore issues and on taxpayer populations with more sophisticated tax issues, such as flow-through entities, high-income individuals, and corporations.⁸

It remains a significant challenge for the Tax Division to recruit, train and retain attorneys who can serve effectively as lead counsel in our most complex cases. The existing caseload, coupled with increased IRS enforcement, will likely lead to an increase in the numbers of these highly complex cases over the next three years.

II. Summary of Program Changes

No program changes.

III. Appropriations Language and Analysis of Appropriations Language

The Tax Division is not proposing new appropriations language for the FY 2014 President's Budget.

⁸ See IRS Strategic Plan 2009-2013 at 21-22, <http://www.irs.gov/pub/irs-pdf/p3744.pdf>.

IV. Decision Unit Justification

<i>Tax Division</i>	Perm. Pos.	FTE	Amount
2012 Enacted	639	582	104,877,000
2012 Prior Year Balance Rescissions	0	0	0
2012 Enacted w/Rescissions	639	582	104,877,000
2013 President's Budget	623	572	105,519,000
Adjustments to Base and Technical Adjustments	0	0	960,000
2014 Current Services	623	519	106,479,000
2014 Program Increases	0	0	0
2014 Program Offsets	0	0	0
2014 Request	623	519	106,479,000
Total Change 2013-2014	0	-53	960,000

<i>Tax Division-Information Technology Breakout (of Decision Unit Total)</i>	Perm. Pos.	FTE	Amount
2012 Enacted	16	16	7,309,934
2012 Prior Year Balance Rescissions	0	0	0
2012 Enacted w/Rescissions	16	16	7,309,934
2013 President's Budget	16	16	7,309,934
Adjustments to Base and Technical Adjustments	0	0	0
2014 Current Services	17	17	6,621,680
2014 Program Increases	0	0	0
2014 Program Offsets	0	0	0
2014 Request	17	17	6,621,680
Total Change 2013-2014	1	1	-688,254

1. PROGRAM DESCRIPTION

a) CIVIL TAX LITIGATION

The Tax Division is responsible for litigating all matters arising under the internal revenue laws in all state and federal trial courts, except the Tax Court, and in appeals from all trial courts, including the Tax Court. Tax Division trial attorneys *defend* the United States in suits brought against it relating to the tax laws, including tax shelter cases, refund suits, and other suits seeking monetary or other relief. Tax Division trial attorneys also *bring* suits that the IRS has requested, including suits to stop tax scam promoters and preparers; suits to collect unpaid taxes; and suits to allow the IRS to obtain information needed for tax enforcement. Tax Division civil appellate attorneys represent the United States in all appeals from trial court decisions.

Halting the Spread of Tax Shelters

The proliferation of abusive tax shelters is a significant problem confronting our tax system. Abusive tax shelters for large corporations and high-income individuals cost the government billions of dollars annually, according to Treasury Department estimates.

Tax shelter litigation is among the most sophisticated and important litigation handled by the Tax Division. Tax shelters are designed to generate large purported tax benefits using multiple entities and complex financial transactions that lack a real business purpose or any real economic substance. Shelter cases often involve well-disguised transactions and tax-indifferent parties located in other countries, making case development and document discovery difficult and expensive. Successfully defending in federal trial and appellate courts the IRS's disallowance of sham tax benefits is critical to the government's efforts to combat abusive tax shelters. Because tax shelters typically involve enormous sums of money and often attract significant media attention, a coordinated and effective effort is essential to prevent substantial losses to the Treasury and deter future use of such tax shelters by other taxpayers.

The Tax Division plays a critical role in the government's efforts to combat abusive tax shelters. Our defense of these cases involves more than a billion dollars in tax revenue, and affects billions more owed by other taxpayers. For example, in a case involving a transaction by a General Electric subsidiary, the taxpayer created a partnership known as Castle Harbour to create more than \$300 million in tax deductions. In 2012 the court of appeals for the Second Circuit struck down the tax benefits and held that penalties were appropriate. *TIFD III-E v. United States* (2d Cir. 2012). The Dow Chemical Company had engaged in a similar transaction, and it filed suit in a case in which it had claimed approximately \$1 billion in tax deductions that were generated by a partnership known as Chemtech. In that case Dow was seeking to obtain deductions for making royalty payments to itself, and depreciation deductions for a chemical plant that it had already depreciated. In February 2013, the district court in the Middle District of Louisiana determined that Dow's transactions lacked economic substance and that the Chemtech partnership should be disregarded because it had no purpose other than to create tax benefits. The court also imposed penalties. *Chemtech Royalty Assoc. LLP v. United States* (M.D. La. 2013).

The Tax Division prevailed in the first distressed asset/debt (DAD) shelter case to be tried, *Southgate Master Fund LLC v. United States* (N.D. Tex. 2009), *aff'd* (5th Cir. 2011), in which the

taxpayer's claimed losses exceeded \$1.1 billion.⁹ Subsequently, the Division has prevailed in other DAD cases, and our efforts in pending DAD cases (over a dozen) have been aided by those victories.

In *Pritted I LLC v. United States* (S.D. Iowa 2011), the Division prevailed in the first foreign-tax-credit-generator shelter to proceed to trial, which involved Principal Life Insurance Company's claim for more than \$20 million in foreign tax credits based on a sham transaction. Several other foreign-tax-credit-generator cases currently are pending in federal courts with potentially billions of dollars at issue; in fact, Tax Division expects three multi-week trials in 2013 where more than a billion dollars will be at issue. Finally, the Tax Division prevailed in several cases involving "sale-in/lease-out" and "lease-in/lease-out" (SILO/LILO) tax shelters,¹⁰ including *BB&T v. United States* (4th Cir. 2008), *Fifth Third Bank v. United States* (S.D. Ohio 2008), and *AWG Leasing Trust v. United States* (N.D. Ohio 2008). After those victories, the IRS announced a settlement initiative, with government-favorable terms, that resolved approximately 80% of the IRS's inventory of SILO/LILO cases. The Division has since continued to win cases involving taxpayers who chose not to settle, including *Wells Fargo v. United States* (Fed. Cir. 2011), *Altria Group v. United States* (2d Cir. 2011), *Consolidated Edison Co. v. United States* (Fed. Cir. 2013).

As of December 31, 2012, the Division had 71 groups of tax shelter cases.¹¹ The Tax Division anticipates that tax shelters will continue to be contested in the federal district courts and in the Court of Federal Claims over the next several years.

Shutting Down Tax Scams, Shelter Promoters, and Fraudulent Return Preparers

The Tax Division has a highly successful injunction program that shuts down tax-fraud promoters and fraudulent tax-return preparers. Some of the cases involve parallel criminal proceedings. These promoters range from tax defiers selling frivolous packages that falsely promise to eliminate customers' income tax entirely, to lawyers and accountants selling sophisticated, complex tax shelters to wealthy business owners. Since the year 2000, the Tax Division has obtained injunctions against more than 500 tax-fraud promoters and unscrupulous tax-return preparers.

In October, 2012, an Ohio federal court issued a preliminary injunction against the parent company of "Instant Tax Service," the fourth-largest tax-preparation firm in the nation. This injunction will remain in force pending the May 2013 trial on our request to shut down the defendants' operations. In the meantime, we have obtained permanent injunctions against individual Instant Tax franchises in Illinois and Nevada, as well as injunctions against other return preparers in Louisiana, New York, Texas, Kansas, Virginia, and elsewhere – a total of 32 injunctions have issued just since October.

⁹ In distressed asset/debt (DAD) and distressed asset/trust (DAT) transactions, a built-in loss is shifted from a tax-indifferent party to a taxpayer that has not incurred the economic loss but that wants to shield a large taxable gain. Generally, the tax-indifferent party contributes the distressed assets (assets with a high basis and low fair market value) to an entity or series of entities in which the taxpayer acquires an interest.

¹⁰ Sale-in/lease-out (SILO) and lease-in/lease-out (LILO) transactions involve either a lease or a sale of assets, and then a lease-back of those assets, from a tax-indifference entity (e.g., a foreign entity or a U.S. non-profit) to a U.S. taxpayer, with no change in the use of the assets, but generating immediate tax benefits for the U.S. taxpayer.

¹¹ The Tax Division treats as one "group" two or more tax shelter cases that involve the same scheme and/or the same promoter, are handled by the same opposing lawyer(s), and are filed in the same judicial district, whether or not the cases have been consolidated by the court. For example, the 91 so-called Presidio cases pending in the Northern District of California, each involving a "Son of BOSS" tax shelter, facilitated by the same promoter, are treated as one group.

The schemes the Division has enjoined during the past ten years cost the Federal Treasury billions in lost revenues and placed an enormous administrative burden on the IRS. If permitted to continue unchecked, these schemes would undermine public confidence in the integrity of our tax system, and require the IRS to devote substantial resources to detecting, correcting, and collecting the resulting unpaid taxes.

The Tax Division continues to encourage the Internal Revenue Service to attack these schemes at their source, by targeting and investigating the promoters before they attract more customers and require more IRS examination and collection activity. Division employees have helped train hundreds of Internal Revenue Service agents and lawyers about developing injunction and penalty cases against tax scam promoters.

In addition to shutting down fraudulent return preparers and abusive tax scams, the Tax Division also brings injunction actions to stop employers who are “pyramiding” their federal employment tax liabilities. Employers are responsible for employment taxes, some of which are withheld from the employee’s wages and paid over to the government, and others that are the direct obligation of the employer to pay. When employers fail to pay over these employment taxes for many quarters, interest and penalties begin to accrue, which can result in “pyramiding” – tax liabilities accruing at a rate that make it unlikely that the employer will be able to bring its accounts current. The unpaid balance can reach several billion dollars. When the IRS is unable to bring compliance, the Tax Division brings injunction actions to compel employers to pay over employment taxes. Such actions help to keep employers on track with their tax obligations, and ensure that taxes withheld from employees’ wages make their way to the Treasury and are not diverted for other purposes.

Assisting with IRS Information Collection and Examinations

Individuals or businesses sometimes seek to thwart an IRS investigation by refusing to cooperate with IRS administrative summonses requesting information. When that happens, the IRS asks the Tax Division to bring suit in federal court seeking a court order to compel compliance with the summonses. These judicial proceedings afford the government the ability to obtain information, while also providing important procedural and substantive rights to those affected by the summons. As the IRS increases its audit activity and criminal investigations and seeks more information from individuals who might be part of the Tax Gap, the Division anticipates being asked to enforce more of the sensitive and complicated summons cases than it currently handles, including summonses related to offshore banking activities of U.S. taxpayers, as well as summonses made by foreign tax authorities pursuant to treaty-based information exchange agreements.

The IRS is increasingly attempting to obtain information about United States persons who maintain undeclared foreign accounts. The latest petition filed by the Division and approved by the court allowed the IRS to serve a John Doe summons on HSBC Bank USA, N.A., seeking information about U.S. residents who may be using HSBC India accounts to evade federal income taxes. *In re Tax Liabilities of John Does Who from December 31, 2002 through December 21, 2010 had Interests in Financial Accounts Managed through HSBC India* (N.D. Cal. 2011). Similarly, in 2013 the district court in the Southern District of New York authorized a John Doe summons aimed at identifying customers of Wegelin & Co. (“Wegelin”), the oldest bank in Switzerland, who had moved money in and out of the United States through Wegelin’s correspondent account it held at UBS AG. *In re Tax Liabilities of John Does Who at any time during the years 2002 through 2011 directly or indirectly had interests in financial accounts at Wegelin & Co.* (S.D. N.Y. 2013). These John Doe summonses, and the information they collect, have an immediate and direct effect in bringing taxpayers into compliance who were trying to evade taxation in the United States, as well as assure people who pay

their taxes that the government is pursuing those who do not.

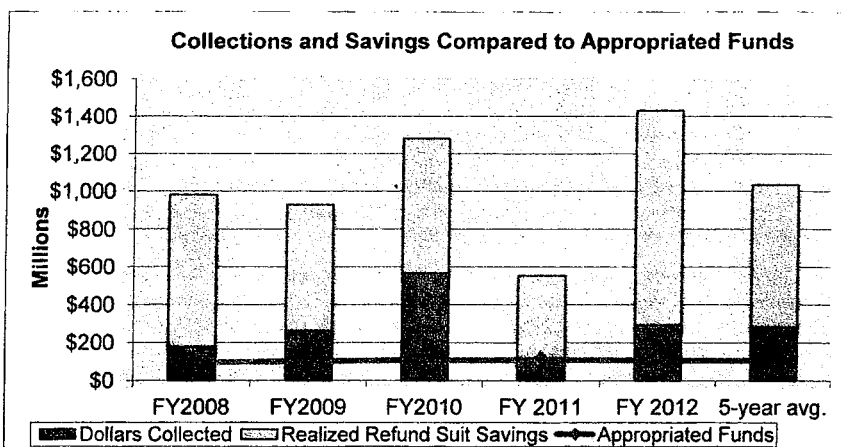
The John Doe summons procedure has also been utilized in other areas where the IRS has identified potential underreporting. When the IRS determined that a large number of taxpayers in California who transferred property to relatives for little or no consideration may have failed to comply with federal gift tax filing requirements, the Division filed suit requesting authorization for the IRS to issue a John Doe summons to the California State Board of Equalization for information on intrafamily property transfers, *In re Tax Liabilities of John Does Who from January 1, 2005 through December 31, 2010, Transferred Real Property in the State of California, 2011 WL 6302284, at *2, Case No. 2:10-mc-00130 (E.D. Cal. Dec. 15, 2011)*.

The Tax Division's summons enforcement work in the past few years has been very effective. The Division enforced summonses aimed at identifying high-income taxpayers who were "playing the audit lottery." For example, when prominent law firms and public accounting firms began marketing tax shelters to corporations and wealthy individuals, the firms rebuffed the IRS's requests for information that the firms were required by law to maintain and provide, essentially stalling as the clock ran out on the IRS. Through summons enforcement actions, these stall tactics are brought to an end. By filing suit, the Tax Division is able to secure the information needed to conduct proper taxpayer examinations, and to defend IRS exam determinations in court proceedings. The Division's work in the area of summons enforcement is vital to tax compliance.

Collecting Unpaid Taxes

The Tax Division contributes significantly to closing the Tax Gap through its civil litigation to collect tax debts. The focus and goal of this litigation is to enforce the tax laws and collect taxes that would otherwise go unpaid. Collection suits have a direct and positive effect on the Treasury. The Division typically collects more each year than its entire budget, as illustrated by the following chart. Given that the IRS only refers to the Tax Division tax debts that the IRS has been unable to collect through administrative means, for example, because ownership of assets has been transferred away from the taxpayer through fraudulent conveyances, title is clouded due to the presence of alter-ego or nominee title holders, or assets are subject to competing lien interests that present complex questions at the intersection of state and federal law, the Division's efforts are a tremendous return on investment in collecting the debts owed by the most recalcitrant taxpayers.

In addition to our collection cases, the Tax Division also brings affirmative litigation to challenge the discharge of tax debts in bankruptcy proceedings. The bankruptcy laws provide exceptions to discharge where a fraudulent return has been made or where a taxpayer has acted to evade or defeat the assessment or collection of tax. Where acts of fraud or evasion are present, the Division works to ensure that unscrupulous taxpayers will not be allowed to avoid their tax obligations through bankruptcy filings.



While the direct return alone is impressive, the Division's collection litigation also brings substantial indirect benefits. It assures honest taxpayers that those who engage in illegal activity will suffer consequences, and boosts voluntary compliance by providing a deterrent to potential scofflaws.

Defending the United States

Tax cases filed against the United States comprise nearly 70% of the Division's caseload, both in the number of cases and the number of attorney work hours each year. The Tax Division has no choice but to defend these lawsuits, which include requests for refund of taxes, challenges to final partnership administrative adjustments (FPAAs) issued by the IRS, challenges to federal tax liens, petitions to quash summonses, objections to tax claims in bankruptcy, claims of unauthorized disclosure, and allegations of wrongdoing by IRS agents. The Division's representation of the government saves the Treasury hundreds of millions of dollars annually by retaining money that taxpayers seek to have refunded and by ensuring that spurious damages claims are denied. As of September 30, 2011, the Division was defending tax refund cases worth approximately \$9.6 billion to the Federal Treasury.¹²

Many of these refund suits, like the sophisticated tax shelter cases described earlier, involve issues that affect many taxpayers and involve large sums. For example, the Tax Division has litigated the issue of whether universal service support payments received by taxpayers in the telecommunications industry are to be treated as taxable income, or may be treated as nontaxable contributions to capital. The United States has prevailed on this issue in *United States v. Coastal Utilities, Inc.* (11th Cir. 2008), *AT&T, Inc. v. United States* (5th Cir. 2011), and *Sprint Nextel Corp. v. United States* (D. Kan. 2011). Just over \$530 million was at stake in these three cases, but billions of tax dollars were at stake on this issue on an industry-wide basis, and the precedent resulting from these cases may have a broader impact, since the contrived interpretation of "capital contributions" advocated by the taxpayers is appearing in other industries as well. The IRS estimated that, if the Tax Division was not able to develop case law supporting the Government's position on this issue, the Federal Treasury would have had to pay billions of dollars in refunds and would have ceased to collect billions more in

¹² See IRS Tax Stats – 2011 Data Book, <http://www.irs.gov/uac/SOI-Tax-Stats-20k.html>, Table 27.

future years.

The Tax Division has also litigated the significant question of the tax impact of insurance company demutualization. Demutualization is a process by which a mutual insurance company converts to a stock company. In the late 90s and early 2000s, more than 30 mutual insurance companies converted into stock companies through demutualization, raising tax issues for their more than 30 million shareholders who faced the amount of gain they needed to recognize from the demutualization. The government did not prevail in the first case decided because the court applied the open transaction doctrine in *Fisher v. United States*, 82 Fed. Cl. 780 (Fed. Cl. 2008). And, after *Fisher* was decided, numerous taxpayers filed refund claims with untold millions at issue. Shortly thereafter, another taxpayer filed a refund action in the United States District Court for the District of Arizona related to taxes paid on the sale of stock received in the demutualization of five insurance companies, and in 2012 the United States District Court for the District of Arizona rejected the analysis of *Fisher* and held that the open-transaction doctrine did not apply to determine the basis of stock received by taxpayers in the demutualization of insurance companies (*Dorrance v. United States*, 2012 WL 2798649). Since then, the United States District Court for the Central District of California denied the plaintiff's motion for summary judgment and granted summary judgment in favor of the United States in *Reuben v. United States*, 2013 WL 656864 (C.D. Cal. Jan. 15, 2013) and found that the open transaction doctrine did not apply in determining the basis of stock received in an insurance company demutualization and that Plaintiff failed to meet his burden that insurance premium payments were attributable to membership rights. As a result, the Court determined that Plaintiff had zero basis in the shares. The insurance company demutualization litigation is an example of the Division's work to both make the law clear for taxpayers, as well as protect the fisc. Hundreds of millions of dollars have been protected through the Division's work.

Civil Appellate Cases

The Tax Division's appellate attorneys represent the United States in all appeals involving federal tax statutes in the United States courts of appeals and their state government equivalents (except for appeals from the Southern District of New York). The Division's appellate attorneys also assist the Solicitor General of the United States by preparing initial drafts of pleadings and briefs in tax cases filed in the Supreme Court. The Division likewise closely reviews all adverse decisions entered by the lower courts in tax cases to determine whether the government should appeal, and prepares a recommendation to the Solicitor General. The appellate section generally recommends appeal only in those cases where there is a substantial likelihood the government will ultimately prevail or where an important principle is at stake. Careful review of these cases not only ensures that Department resources are spent wisely on only meritorious appeals, but also advances the Tax Division's mission of promoting the fair and correct development, and uniform enforcement of the federal tax laws.

From 2009 through 2012, the Division's Appellate Section won (in whole or in part) over 95% of taxpayer appeals. Some of the more important recent appellate victories have been in tax shelter cases. For example, in *TIFD III-E, Inc. v. United States* (2d Cir. 2012), the Government prevailed on appeal for the second time in a case involving GE Capital's attempt to shelter more than \$300 million in income from taxation through a lease-stripping arrangement. In *Bemont Investments LLC v. United States* (5th Cir. 2012), a suit involving the so-called "Son of BOSS" shelter, through which the taxpayer attempted to generate over \$200 million in phony tax losses, the court rejected a statute-of-limitations defense and upheld the IRS's imposition of a 20% negligence penalty.

CRIMINAL PROSECUTIONS AND APPEALS

The Tax Division authorizes, and either conducts or supervises, almost all prosecutions arising under the federal tax laws.¹³ The Division's twin goals are to prosecute criminal tax violations and to promote a uniform nationwide approach to criminal tax enforcement. In many cases, the Tax Division receives requests from the IRS to prosecute tax violations after the IRS has investigated them administratively. In other cases, the IRS asks the Tax Division to authorize grand jury investigations to determine whether prosecutable tax crimes have occurred. Tax Division prosecutors review, analyze, and evaluate these referrals to assure that uniform standards of prosecution are employed and that criminal tax violations warranting prosecution are prosecuted. After the Division authorizes tax charges, the cases are handled either by a United States Attorney's Office (USAO) or, in complex or multi-jurisdictional cases, or cases in which the USAO is recused or requests assistance, by the Tax Division's experienced prosecutors. In addition to their substantial litigation caseloads and review work, Tax Division prosecutors also conduct training seminars for IRS criminal investigators and Assistant U.S. Attorneys and often provide advice to other federal law enforcement personnel, including the DEA and FBI.

The Tax Division's criminal workload has grown and the sophistication of criminal cases has increased steadily over the past few years. A greater proportion of the cases involve high net-worth taxpayers and tax professionals who sell and implement complex tax products. During FY 2012, Division prosecutors obtained 127 indictments and 137 convictions.

The Tax Division's criminal trial attorneys investigate and prosecute individuals and corporations that attempt to evade taxes, willfully fail to file returns, submit false tax forms, or otherwise violate the federal tax laws. They also investigate and prosecute tax violations along with other associated criminal conduct including securities fraud, bankruptcy fraud, health care fraud, organized crime, public corruption, mortgage fraud, and narcotics trafficking. In addition, Tax Division attorneys investigate and prosecute domestic tax crimes involving international conduct, such as the illegal use of offshore trusts and foreign bank accounts to conceal taxable income and evade taxes. They also conduct terrorism-related and Organized Crime and Drug Enforcement Task Force (OCDETF) criminal investigations and prosecute organizers of internet scams.

The Tax Division's Criminal Appeals and Tax Enforcement Policy Section (CATEPS) conducts appeals in criminal tax cases prosecuted by Division attorneys and supervises appeals in matters tried by USAOs around the country. Similar to the initial review of tax cases by criminal trial attorneys, the appellate review plays a vital role in promoting the fair, correct, and uniform enforcement of the internal revenue laws. CATEPS also assists in negotiating international tax assistance treaties and in researching policy issues, such as the application of the sentencing guidelines.

Pure Tax Crimes

The core of the Tax Division's criminal work involves so-called "legal source income" cases. These cases encompass tax crimes involving unpaid taxes on income earned legally (*e.g.*, a restaurateur who skims cash receipts or a doctor who inflates deductible expenses.) When these cases involve difficult issues of tax law or complex methods of proof, United States Attorneys' Offices often call upon

¹³ The Tax Division does not review or supervise most excise tax cases, which are the responsibility of the Criminal Division.

the special skills that Tax Division prosecutors bring to the Justice Department's goal of combating financial fraud and reducing white-collar crime.

Evasion of taxes on income from legal sources significantly erodes the federal tax base. The Division's enforcement activities are a strong counter to that erosion, providing a significant deterrent to those who contemplate shirking their tax responsibilities. These prosecutions often receive substantial local press and media coverage and assure law-abiding citizens who pay their taxes that tax cheats are not getting away with it. The government's failure to prosecute such cases effectively would undermine the confidence of law-abiding taxpayers and jeopardize the government's ability to operate a revenue collection system whose cornerstone is voluntary compliance.

Stolen Identity Refund Fraud

The nationwide reach of the Tax Division's centralized criminal tax enforcement serves another important goal: it facilitates the Government's ability to respond efficiently and forcefully to often-changing patterns of wrongdoing. The recent explosion in the use of stolen social security numbers and other personal identification information to file false tax returns seeking fraudulent refunds is an example of this type of challenge.

Dubbed stolen identity refund fraud or SIRF, the crime may be simple to describe, but has proven complex both in its reach and in the extent of the criminal enterprises involved. The most vulnerable members of our communities—the elderly, the infirm, grieving families—have been the victims when social security numbers have been stolen or bought from institutions such as hospitals, nursing homes, and public death lists. In a very real sense, every taxpayer is a victim when the IRS issues a fraudulent refund to these thieves.

In recognition of the severity of the problem, the Tax Division, in conjunction with the IRS and United States Attorneys nationwide, has prioritized the investigation and prosecution of individuals who engage in SIRF. The Division is targeting individuals involved in all stages of these schemes, including those who illegally obtain the personal identifying information, those who file the false returns with the IRS, those who knowingly facilitate cashing the checks or otherwise obtaining the refunds, and those who mastermind or promote these scams. Depending on the facts of a particular case, the Government can bring a variety of charges, including aggravated identity theft and theft of government property, in addition to traditional tax charges such as filing false claims for refund and filing false tax returns. On January 31, 2012, the Justice Department and the IRS announced the results of a massive national sweep cracking down on suspected SIRF perpetrators. Taking place over the course of one week and across 23 states, the actions against 105 individuals included 80 complaints, informations, and indictments, 58 arrests, 19 search warrants, 10 guilty pleas, and 4 sentencing's. The sweep reflected the extensive and well-coordinated investigative and prosecution efforts of the Tax Division, many United States Attorneys' Offices, and the IRS.

We have also had success prosecuting perpetrators of identity theft. In May, 2011, an Alabama woman was sentenced to 27 years, 10 months in prison, while her co-conspirator was sentenced to 25 years, 10 months in prison, for their roles as leaders of a refund fraud ring using the stolen identities of Medicare beneficiaries. They were ordered to pay \$2.8 million in restitution. In November, 2012, a Barbados national was sentenced to 114 months in prison and ordered to pay \$1.7 million in restitution for a scheme in which he filed over 470 false returns in the names of deceased individuals claiming in excess of \$120 million in refunds (of which the IRS was able to stop all but \$10 million). In January, 2013, Antoinette Djonret was sentenced to 144 months in prison and ordered to pay \$1.3 million in restitution. Djonret and her co-conspirators filed over 1,000 false tax returns, establishing an elaborate

network for laundering the refund money, and recruiting a number of individuals to purchase prepaid debit cards for use in the scheme.

Many of the perpetrators of identity theft are themselves former return preparers. In November, 2012, a New Mexico return preparer was sentenced to 48 months in prison for his role in a stolen identity fraudulent refund scheme. In January, 2013, a Georgia return preparer was sentenced to 60 months in prison for a scheme in which he used many of his former clients' names and social security numbers to file wholly fraudulent refund claims. Also in January, 2013, a Los Angeles CPA pleaded guilty to conspiracy to defraud the United States for his role in a scheme in which he misappropriated employer identification numbers from his client files and provided information to co-conspirators who then filed over 250 fraudulent returns claiming more than \$2 million in refunds. The refunds were then taken overseas to be deposited in accounts in Pakistan and Armenia. His co-conspirators are currently serving 30- and 37-month prison terms, respectively. These are but a few examples of our efforts to root out and prosecute refund fraud wherever it may be found, and this will continue to be a major priority for the Division going forward.

Combating Offshore Tax Schemes

The Tax Division continues to play a leading role in investigations and prosecutions involving the use of foreign tax havens. Increased technical sophistication of financial instruments and the widespread use of the internet have made it easy to move money around the world. Using tax havens facilitates evasion of U.S. taxes and the commission of related financial crimes. According to a 2008 Senate report, the use of secret offshore accounts to evade U.S. taxes costs the Treasury at least \$100 billion annually.

Offshore tax schemes are often difficult to detect and prosecute, so the IRS has allocated resources to target taxpayers who engage in offshore activity for the purpose of underreporting income. Income tax evaders and other criminals use banks located in countries that have strict bank secrecy laws and that will not, or cannot, provide assistance to investigators for the United States. Sophisticated criminals may also use non-traditional tax haven countries. Despite these difficulties, the Division has been successful in prosecuting these tax cheats.

In February 2009, in *United States v. UBS, AG* (S.D. Fla.), Switzerland's largest bank entered into a deferred prosecution agreement and admitted guilt on charges of conspiring to defraud the United States by impeding the IRS. As part of the agreement, UBS, based on an order by the Swiss Financial Markets Supervisory Authority, agreed to immediately provide the United States with the identities of, and account information for, a number of United States customers of UBS's cross-border business. Under the agreement, UBS exited the business of providing banking services to United States customers with undeclared accounts and paid \$780 million in fines, penalties, interest, and restitution.

As of March 20, 2013, in connection with the UBS investigation, six bankers, one attorney, and 48 UBS clients have been charged, and 42 clients have pleaded guilty. Investigations into numerous additional offshore banks located in Switzerland, India, Israel and elsewhere, have also been opened. In connection with those ongoing investigations of other banks, an additional 16 bankers, 7 independent investment advisers, one attorney, and 11 clients have been charged. Of the 11 clients, 3 HSBC clients have been convicted following trial.

In August 2009, in *United States v. Bradley Birkenfeld, et al.* (S.D. Fla.), Birkenfeld, a former UBS banker, was sentenced to 40 months in prison following his June 2008, guilty plea to conspiring with an American billionaire real estate developer, Swiss bankers, and his co-defendant, Mario Staggi, to help the developer evade paying \$7.2 million in taxes by assisting in concealing \$200 million of

assets in Switzerland and Liechtenstein. In his plea Birkenfeld admitted that between 2001 and 2006, while employed as a director in the private banking division of Swiss bank UBS, he routinely traveled to and had contacts within the United States to help wealthy Americans conceal their ownership in assets held offshore and evade paying taxes on the income generated from those assets.

The Division continues to prosecute UBS clients using information obtained through the deferred prosecution agreement. For example, in January 2013, in *United States v. Mary Estelle Curran* (S.D. Fla.), the defendant pleaded guilty to filing false tax return for 2006 and 2007 and admitted that she had maintained an undeclared account at UBS. The plea agreement included a penalty of over \$21.6 million for failing to file Reports of Foreign Bank and Financial Account (FBARs).

Prosecutions have not been limited to UBS customers. In February 2011, in *United States v. Mauricio Cohen-Assor, et al.* (S.D. Fla.), a court sentenced Mr. Cohen-Assor and his son, Leon Cohen-Levy, to 10 years imprisonment following their trial convictions for conspiring to defraud the United States. The defendants, who were developers and owners of several residential hotels, made extensive use of nominee entities formed in tax haven jurisdictions, including the Bahamas, the British Virgin Islands, Panama, Liechtenstein and Switzerland, and an account opened at a private bank affiliated with HSBC, a large international banking firm, all in order to defraud the United States concerning, among other things, taxes pertaining to \$33 million in capital gains. In August 2012, in *United States v. Arvind Ahuja* (E.D. Wisc.), the defendant, a neurosurgeon who maintained an undeclared account at HSBC India, was convicted following jury trial of filing a false 2009 income tax return and failing to file a Report of Foreign Bank and Financial Accounts (FBAR).

Indictments have also been returned against bankers, independent financial advisers and other professionals who have helped hide income in undeclared accounts. For example, in December 2010, in *United States v. Renzo Gadola* (S.D. Fla.), Gadola, a former UBS banker and independent financial adviser, pleaded guilty to conspiring to defraud the United States. According to the charging document, Gadola worked with another former UBS banker to manage undeclared accounts for U.S. clients. In November 2010, Gadola met in a Miami hotel with a Mississippi client of the former UBS banker. The client had an undeclared account at Basler Kantonalbank, a regional bank in Switzerland. Gadola advised the client not to disclose his account at Basler Kantonalbank to United States authorities, indicating that the likelihood that anyone would find out about the account was “practically zero percent” and that there was no “paper trail” associated with the account.

Also, in June, 2012, a superseding indictment was returned in *United States v. David Almog, et al.* (C.D. Cal.) charging Almog and David Kalai and Nadav Kalai with conspiracy. The indictment alleges, among other things, that the defendants were tax return preparers and helped U.S. clients hide assets in undeclared accounts in two Israeli banks. The case is awaiting trial.

Finally, in January 2013, after working with prosecutors from the United States Attorney’s Office in the Southern District of New York, Wegelin Bank, the oldest private bank in Switzerland, became the first foreign bank to plead guilty to felony tax charges. Appearing on behalf of the bank, managing partner Otto Bruderer admitted the bank had conspired to defraud the United States by helping U.S. clients hide assets from the IRS in undeclared accounts.

Prosecuting Abusive Promotions

The Division is actively engaged in prosecuting the promotion or use of fraudulent tax shelters and other schemes to evade taxes and hide assets. The number of taxpayers who use these bogus schemes to improperly reduce, or totally evade, their federal income tax liabilities has increased significantly in recent years. Some schemes use domestic or foreign trusts to evade taxes. Promoters of

these schemes often use the internet to aggressively market these trusts to the public, and rely upon strained, if not demonstrably false, interpretations of the tax laws. Employing what they often call “asset protection trusts” (ostensibly designed to guard an individual’s assets from legitimate creditors, including the IRS), these promoters are in fact assisting taxpayers to fraudulently assign income and conceal ownership of income-producing assets in order to evade paying their taxes.

Return-Preparer Fraud

Corrupt accountants and unscrupulous tax return preparers present a serious law enforcement concern. Some accountants and return preparers dupe unwitting clients into filing fraudulent returns, while others serve as willing “enablers,” providing a veneer of legitimacy for clients predisposed to cheat. In either case, the professionals often commit a large number of frauds, and their status as professionals may be perceived as legitimizing tax evasion, thereby promoting disrespect for the law.

Tax’s civil injunction program is now over 10 years old, and continues to be an effective way to quickly shut down fraudulent return preparers and illegal tax-scheme promoters – especially during filing season – thereby reducing the harm to the public fisc while potential criminal investigations are ongoing. In October, 2012, an Ohio federal court issued a preliminary injunction against the parent company of “Instant Tax Service,” the fourth-largest tax-preparation firm in the nation. This injunction will remain in force pending the May 2013 trial on our request to shut down the defendants’ operations. In the meantime, we have obtained permanent injunctions against individual Instant Tax franchises in Illinois and Nevada, as well as injunctions against other return preparers in Louisiana, New York, Texas, Kansas, Virginia, and elsewhere – a total of 32 injunctions have issued just since October.

These after-the-fact remedies, however, do not prevent the harm caused by incompetent and unethical return preparers. As a result, the IRS recently implemented testing and continuing education requirements via regulations for certain tax return preparers. In January, 2013, the U.S. District Court for the District of Columbia struck down and permanently enjoined those regulations, finding that paid return preparers are not representatives who practice before the IRS and thus who would be subject to the IRS’s regulatory authority. On February 20, 2013, the Government filed a notice of appeal, pending the Solicitor General’s final authorization to pursue the appeal, and on February 25, 2013, we moved for a stay pending appeal of the district court’s injunction. Absent a stay, the court’s ruling will cause irreparable harm to tax administration. The Government will be irreparably harmed if that injunction remains in force, not only because the IRS will effectively be forced to abandon its implementation of the regulatory scheme until the 2015 tax-preparation season, but because of financial costs ranging from those associated with redesigning computer systems to renegotiation of vendor contracts.

National Tax Defier Initiative

A certain segment of our citizenry flatly refuses to accept its tax obligations. These individuals manufacture frivolous arguments against the clear language of the law. They also frequently devise complicated schemes to mask their activities. Often, they are affiliated with sovereign citizen movements, who challenge the United States Government in numerous ways. Too often, they are prepared and willing to resort to violence.

Tax defiers have long been and will remain a priority of the Tax Division. Tax defiers, also known as illegal tax protesters, have long been a focus of the Tax Division’s investigative and prosecution efforts. For decades, tax defiers have advanced frivolous arguments and developed numerous schemes to evade their income taxes, assist others in evading their taxes, and frustrate the IRS, under the guise of meritless objections to the tax laws. Frivolous arguments used by tax defiers

include, for example, spurious claims that an individual is a “sovereign citizen” not subject to the laws of the United States, that the federal income tax is unconstitutional, and that wages are not income. Schemes utilized include the use of fictitious financial instruments in purported payment of tax bills, as well as the filing of false liens and IRS reporting forms, such as Forms 1099, designed to harass and retaliate against government employees and judges. In the most extreme circumstances, tax defiers have resorted to threats and violence to advance their anti-government agenda.

Because of this risk of violence, it is essential that local law enforcement be prepared to respond rapidly to threats against agents, prosecutors, and judges. The Tax Division has thus implemented a comprehensive strategy, using both civil and criminal enforcement tools, to address the serious and corrosive effect of tax defier activity. The Division’s Tax Defier Initiative facilitates coordination among nationwide law enforcement efforts. This coordination allows new or recycled tax defier schemes and arguments to be quickly identified and a global, coordinated strategy to be developed.

For example, the “sovereign citizen” ideology overlaps with, and is often indistinguishable from, tax defier rhetoric and tactics. Through the Tax Defier Initiative, the Division has leveraged our expertise to develop a government-wide approach to monitoring and combating these crimes. As a result, our National Director for the Tax Defier Initiative, working with representatives of IRS Criminal Investigation, the Treasury Inspector General for Tax Administration, the FBI Domestic Terrorism Operations Unit, and the Department’s National Security Division, developed and implemented a national training program for prosecutors and investigators. The close working relationships fostered by our Initiative have enabled us to identify and respond more quickly and efficiently to such trends in the tax defier community.

In February 2013, in *United States v. Hopkins* (D. N.M.), after multiple hearings and evidentiary disputes over discovery matters involving two tax defiers imprisoned for tax evasion and conspiracy, the district court, in a 103-page opinion, granted in part the United States’ motion for summary judgment. The Hopkins continued this activity for over ten years until criminal convictions were secured and a \$1.7 million restitution order which were affirmed by the Tenth Circuit

War on Terrorism

Tax Division attorneys play an important role in the fight against international terrorism. Tax Division attorneys lend their expertise to attorneys at the National Security Division and at U.S. Attorney’s Offices in prosecuting those who take advantage of the tax laws to fund terrorism, including through the use of tax-exempt organizations. A Tax Division Senior Litigation Counsel is responsible for managing matters associated with counter-terrorism and terrorist financing and leads teams of attorneys in investigating, developing, and prosecuting criminal tax cases with a nexus to counter-terrorism and terrorism financing.

Corporate Fraud and other Financial Crimes

Through the President’s Financial Fraud Enforcement Task Force, the Tax Division investigates and prosecutes financial crimes such as corporate fraud and mortgage fraud. The Division also cooperates with other law enforcement components in formulating national policies, programs, strategies and procedures in a coordinated attack on financial crime.

International Cooperation to Investigate Evasion of U.S. Taxes

The Tax Division regularly provides advice and assistance to United States Attorneys and IRS agents seeking extradition, information, and cooperation from other countries for both civil and criminal investigations and cases. Occasionally, the Tax Division provides assistance to attorneys from other agencies and offices of the United States government, including the Federal Bureau of Investigation, the Securities and Exchange Commission, and the Department of Homeland Security.

In addition, the Tax Division works to increase cooperation with foreign nations, recognizing that reciprocal engagements ultimately further the Division's mission. For example, the Division has participated in consultations both with France and Canada in an effort to improve the exchange of information under our income tax treaties with those countries. The Division periodically hosts visiting delegations of tax officials from countries interested in learning more about federal tax enforcement in the United States. The Division continues to work to increase cooperation between the United States and countries in Latin America and the Caribbean by providing instructors for the International Law Enforcement Academy in El Salvador.

The Tax Division is an important partner in the U.S. negotiating team for Double Taxation Conventions, Tax Information Exchange Agreements, and other international agreements concerning tax information. For example, the Tax Division participated in the historic negotiations that led to the signing of Tax Information Exchange Agreements with the Principality of Liechtenstein and with Gibraltar. Other negotiations are ongoing.

Civil/Criminal Coordination

Finally, as part of its effort to stop abusive tax scheme promotions, the Division uses parallel civil and criminal proceedings to pursue both civil injunctions and criminal prosecutions against those who promote illegal schemes. To ensure that the IRS and Division attorneys make maximum use of all available legal remedies, the Division has created a Special Counsel for civil/criminal coordination. The Special Counsel provides agents and attorneys with one-on-one assistance in handling parallel civil and criminal proceedings, leads an IRS-DOJ working group formed to promote better coordination of parallel proceedings, conducts training for IRS and Division attorneys, and participates in various bar panels. The Division also maintains an online resource library on criminal tax prosecutions and parallel proceedings.

2. Performance Tables

PERFORMANCE AND RESOURCES TABLE

Tax Division
Salaries and Expenses
(Dollars in Thousands)

Decision Unit/Program: GENERAL TAX MATTERS

DOJ Strategic Goal II - Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law (Objective 2.6)

WORKLOAD/RESOURCES

	Target	Actual	Projected	Changes		Requested (Total)
				FY 2013 Current Rate	FY 2014 Request	
Workload:						
CRIMINAL						
1. Number of Cases received from the IRS and USAO for authorization and review	n/a			0		n/a
CIVIL						
1. Average Number of Appellate Cases Received	200					
Total Costs and FTE's	FTE \$000	FTE \$000	FTE \$000	FTE \$000	FTE \$000	FTE \$000
(Brackets indicate reimbursement amount for OCEDET - not included in shown total)	582 \$104,877	519 \$104,877	0 \$1,602	0 \$1,602	519 \$106,479	0
	0	0	0	0	0	0
TYPE/Strategic Objective						
PERFORMANCE/RESOURCES						
Program Activity	FY 2012	FY 2012	FY 2013 Current Rate	Current Services Adjustments and FY 2014 Program Changes	FY 2014 Request	
CRIMINAL PROSECUTION & APPEALS - Total Costs & FTE	FTE \$000	FTE \$000	FTE \$000	FTE \$000	FTE \$000	
Output	187 \$27,268	145	\$23,368	0 \$449	145 \$29,815	
1. Number of Investigations Authorized	n/a	938	n/a	0	n/a	n/a
Output	n/a	1,761	n/a	n/a	n/a	n/a
2. Number of Prosecutions Authorized	95%	99%	95%	n/a	95%	95%
3. Success Rate for Criminal Tax Cases Handled by the Division						
CIVIL LITIGATION & APPEALS - Total Costs & FTE	FTE \$000	FTE \$000	FTE \$000	FTE \$000	FTE \$000	
Output	415 \$77,609	374	\$75,511	0 \$1,153	374 \$78,664	
1. Civil Cases Successfully Litigated in the Trial Courts	90%	98%	90%	n/a	90%	90%
Outcome	85%	95%	85%	n/a	85%	85%
2. Civil Cases Successfully Litigated - Taxpayer Appeals	60%	83%	60%	n/a	60%	60%
3. Civil Cases Successfully Litigated - Government and Cross Appeals	n/a	\$1,431	n/a	n/a	n/a	n/a
4. Tax Dollars Collected and Retained by Court Action and Settlement (\$ in millions)						

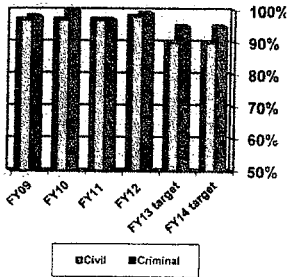
Performance Measure Table

Decision unit: GENERAL TAX MATTERS																			
Performance Report and Performance Plan Targets		FY 2006		FY 2007		FY 2008		FY 2009		FY 2010		FY 2011		FY 2012		FY 2013		FY 2014	
Program Activity		Actual		Actual		Actual		Actual		Actual		Actual		Target	Actual	Target		Target	
CRIMINAL PROSECUTION & APPEALS																			
Output	1. Number of Investigations Authorized	664		757		693		751		883		850		n/a		938		n/a	
Output	2. Number of Prosecutions Authorized	1,180		1,284		1,283		1,210		1,381		2,320		n/a		1,751		n/a	
Outcome	3. Success Rate for Criminal Tax Cases Handled by the Division	97%		100%		95%		98%		100%		97%		95%		99%		95%	
CIVIL LITIGATION & APPEALS																			
Program Activity																			
Outcome	1. Civil Cases Successfully Litigated in the Trial Courts	96%		96%		95%		95%		96%		97%		90%		98%		90%	
Outcome	2. Civil Cases Successfully Litigated - Taxpayer Appeals	97%		99%		97%		96%		85%		96%		85%		96%		85%	
Outcome	3. Civil Cases Successfully Litigated - Government and Cross Appeals	78%		56%		68%		72%		60%		59%		60%		63%		60%	
Outcome	4. Tax Dollars Collected and Retained by Court Action and Settlement (\$ in millions)	\$878.1		\$424.0		\$981.0		\$928.3		\$1,280.7		\$552.0		n/a		\$1,431.0		n/a	

3. Performance, Resources, and Strategies

The General Tax Matters Decision Unit contributes to the Department's Strategic Goal 2: Prevent Crime, Enforce Federal Laws, and Represent the Rights and Interests of the American People. Within this Goal, the Decision Unit's resources specifically address Strategic Objective 2.7: Vigorously enforce and represent the interests of the United States in all matters over which the Department has jurisdiction.

Cases Favorably Resolved (TAX)



Data Definition: Favorable civil resolutions are through a judgment or settlement. Each civil decision is classified as a Government win, partial win, or taxpayer win; for this report, success occurs if the Government wins in total or in part. Criminal cases are favorably resolved by convictions which includes defendants convicted after trial or by plea agreement at the trial court level in prosecutions in which the Tax Division has provided litigation assistance at the request of a USAO.

Data Collection and Storage: The Tax Division utilizes a litigation case management system called TaxDoc.

Data Validation and Verification: The Tax Division has established procedures to collect and record reliable and relevant data in TaxDoc. Management uses the data to set goals, manage cases and project workload. The statistics in this table are provided on a monthly basis to Division management for their review.

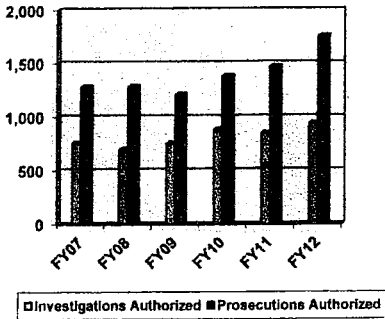
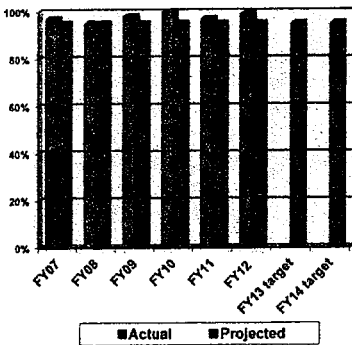
Data Limitations: The Tax Division lacks historical data on some activities that are now tracked in the case management system. The information system may cause variations in the way some statistics are presented.

The goals of the Tax Division are to increase voluntary compliance, maintain public confidence in the integrity of the tax system, and promote the sound development of law.

Performance Measure 1: Percentage of Cases Favorably Resolved

FY 2012 Target: 90% for Civil Trial and 95% for Criminal.

Discussion: The outcome measure for this decision unit is favorable resolution of all cases. The Department of Justice Strategic Plan sets Department-wide goals for the litigating components: 90% of criminal cases favorably resolved Department-wide and 80% of civil cases favorably resolved. As illustrated in the chart "Cases Favorably Resolved (TAX)," the Tax Division has exceeded the Department's goal for the last several years. In FY 2012, favorable outcomes were achieved in 98% of all civil and 99% of all criminal cases litigated by the Tax Division, including non-tax cases. To meet the targets for this measure, the Tax Division requires \$106,479 thousand. These resources are essential if we are to continue attaining the Department's targets for this measure.

Investigation and Prosecution Referrals Authorized**Success Rate for Criminal Tax Cases**

Data Definition: Investigation and Prosecution Referrals are grand jury investigation and criminal prosecution requests referred to the Tax Division for review to ensure that federal criminal tax enforcement standards are met. The number of prosecution referrals authorized is a defendant count; investigations may involve one or more targets. The Success Rate is convictions divided by the total of convictions and acquittals. "Convictions" includes defendants convicted after trial or by plea agreement at the trial court level in criminal tax prosecutions in which the Tax Division has provided litigation assistance at the request of a USAO. Defendants acquitted are defendants acquitted in the district court in cases in which the Tax Division provided litigation assistance.

Data Collection and Storage: The Tax Division utilizes a litigation case management system known as TaxDoc. The Division periodically reviews the complement of indicators that are tracked.

Data Validation and Verification: There are procedures to collect and record pertinent data, enabling Section Chiefs to make projections and set goals based on complete, accurate and relevant statistics.

Data Limitations: The Tax Division lacks historical data on some activities that are tracked in the case management system.

Performance Measure 2: Criminal Investigation and Prosecution Referrals Authorized

FY 2012 Target: N/A

Discussion: The Tax Division also measures the number of authorized investigation and prosecution referrals in criminal cases. In FY 2012, the Division authorized 938 grand jury investigations and 1,751 prosecutions of individual defendants. Changes in the number of authorized investigations are largely proportional to the number of investigations initiated by the Internal Revenue Service.

Consistent with Department guidance, there is no FY 2012 or FY 2013 performance goal for authorized investigations and prosecutions.

Performance Measure 3: Success Rate for Criminal Tax Cases

FY 2012 Target: 95%

Discussion: The Tax Division's Criminal Trial Sections assume responsibility for some cases at the request of the USAOs, generally multi-jurisdictional investigations and prosecutions, and cases with significant regional or national importance. Although many of these cases are difficult to prosecute, the Division has maintained a conviction rate at or greater than 95%. In FY 2012, the Division's conviction rate was 98% in tax cases.

For FY 2012, FY 2013, and FY 2014, the Tax Division has established a conviction rate goal of 95%. While the Tax Division is very proud of its conviction rate, the emphasis is on uniform and fair enforcement of the tax laws.

Performance Measure 4: Civil Cases Successfully Litigated

FY 2012 Target: Trial Courts – 90%
 Taxpayer Appeals – 85%
 Government and Cross Appeals – 60%

Discussion: For civil cases, the Tax Division measures cases successfully litigated, in total or in part, by the resolution of a claim through judgment or other court order.

We anticipate that maintaining this level of success will result in legal precedent that provides taxpayers, including individuals, businesses and industries, with guidance regarding their tax obligations; the collection of significant tax revenues; and the protection of the government against unfounded taxpayer claims. Many of the government appeals (and cross-appeals) during the reporting period involve the same (or similar) issues, so that a loss in a single case affects the outcome of multiple appeals.

During FY 2012, the Division won the following percentages of cases decided:

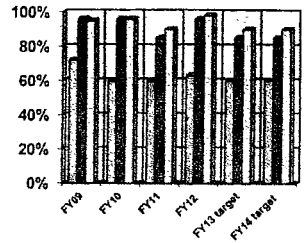
Trial Courts – 98%
 Taxpayer Appeals – 96%
 Government and Cross Appeals – 63%

Performance Measure 5: Tax Dollars Collected and Retained

FY 2012 Target: N/A

Discussion: The Tax Division collects substantial amounts for the federal government in affirmative litigation, and retains even more substantial amounts in defensive tax refund and other litigation. For FY 2012, the Division collected \$292 million and retained \$1,139 million.

In addition to this measurable impact, the Division's litigation affects the revenue at issue in many cases being handled administratively by the IRS, and determines tax liabilities of litigants for many tax years not in suit. Its litigation successes also foster overall compliance with the tax laws. This substantial financial impact is a consequence of the Division's consistent and impartial enforcement of the tax laws. The Division does not measure these indirect effects of its litigation.

Civil Cases Successfully Litigated [TAX]

□ Appellate Courts - Gov't & Cross Appeals
 ■ Appellate Courts - Taxpayer Appeals
 ▒ Trial Courts

Tax Debts Collected and Dollars Retained (\$ in Millions)

Data Definition: A decision is the resolution of a claim through judgment or other court order. Each decision is classified as a Government win, partial win, or taxpayer win; for this report, success occurs if the Government wins in whole or in part. Appellate cases are classified as Taxpayer Appeals, Government Appeals, or Cross Appeals. The number of Government or Cross Appeals is generally less than 10% of the number of taxpayer appeals. **Tax Debts Collected** represents dollars collected on pending civil cases and outstanding judgments. **Tax Dollars Retained** represents the difference between claim amount sought and received by opposing parties in refund suits closed during the period.

Data Collection and Storage: The Tax Division utilizes a case management system known as TaxDoc.

Data Validation and Verification: The Tax Division has established procedures to collect and record reliable and relevant data in TaxDoc. Management uses the data to set goals, manage cases and project workload. The statistics in this table are provided on a monthly basis to Division management for their review.

Data Limitations: The Tax Debts Collected and Dollars Retained indicator fluctuates in response to the type and stage of litigation resolved during the year.

Without sufficient resources, the Division will be forced to focus the majority of its resources on defensive cases which would result in affirmative cases - cases the IRS requests the Division to prosecute - being declined. If this occurs, the Division will not be able to meet its targets for this measure.

a. Strategies to Achieve the FY 2014 Goals:

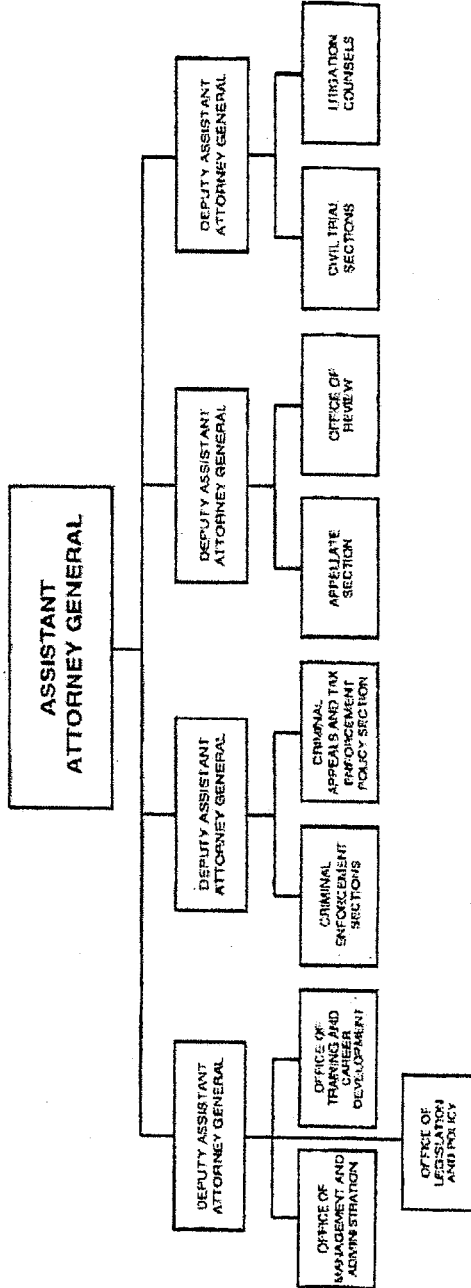
A strong tax system is vital to our national strength. It is essential that taxpayers believe, with good reason, in the integrity of the tax system. It is fundamental that we meet our obligations to our citizens to ensure the full, fair, and consistent enforcement of our tax laws. The Division's long-standing coordinated approach to tax enforcement is a particularly effective component to the Administration's goal to reduce the Tax Gap. Because the Tax Division's work already encompasses the elements of an effective tax enforcement program, the organization is well suited to expand existing programs with greater benefits in return.

The Tax Division's primary civil strategy to achieve its goals is to litigate federal civil tax cases filed by and against taxpayers in the federal courts. Through this litigation, the Division ensures the tax laws are properly enforced, by targeting particularly acute tax enforcement problems that threaten tax administration. In carrying out its mission, the Tax Division conducts in each civil tax case an independent review of the IRS's views and administrative determinations to help ensure that the Government's position is consistent with applicable law and policy. This independence, backed by a willingness to engage in aggressive litigation where appropriate, promotes the effective collection of taxes owed, while also serving as a check against potential abuses in tax administration.

While the Tax Division is and will remain responsive to shifts in criminal tax schemes, enforcement of the criminal tax statutes against individuals and businesses that engage in attempts to evade taxes, willful failure to file returns, and the submission of false returns, are at the core of the Division's mission. Enforcement of the internal revenue laws serves the goals of both specific and general deterrence. Enforcement of our criminal tax laws also helps us meet our responsibility to all taxpayers who meet their obligations, to pursue those who do not.

A: Organizational Chart

TAX DIVISION



Approved by: *[Signature]* Date: September 12, 2005
Attest: [Signature] Attorney General

B. Summary of Requirements

Summary of Requirements

Tax Division
Salaries and Expenses
(Dollars in Thousands)

	FY 2014 Request		
	Direct Pos.	Estimate FTE	Amount
2012 Enacted	639	552	104,877
Total 2012 Enacted (with Balance Rescission)	639	552	104,877
2013 Continuing Resolution			
2013 CR 0.612% Increase			642
Total 2013 Continuing Resolution (with Balance Rescission and Supplemental)	639	519	105,519
Technical Adjustments			
Adjustment - 2013 CR 0.612%			-642
Total Technical Adjustments	0	0	-642
Base Adjustments			
Transfers	0	0	261
ICON and ICON S/TS	0	0	-31
Office of Information Policy (OIP) - to GA	0	0	-133
Professional Responsibility Advisory Office (PRAO) - to WCF	0	0	830
Pay and Benefits	0	0	806
Domestic Rent and Facilities	0	0	1,802
Total Base Adjustments	0	0	980
Total Technical and Base Adjustments	639	519	106,479
2014 Current Services	0		
Total Program Changes	639	519	106,479
2014 Total Request	639	519	106,479
2012 - 2014 Total Change	0	-63	1,602

Note: The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

B. Summary of Requirements

Summary of Requirements
Tax Division
Salaries and Expenses
(Dollars in Thousands)

Program Activity	2012 Appropriation Enacted			2013 Continuing Resolution *			2014 Technical and Base Adjustments			2014 Current Services		
	Direct Pos	Actual FTE	Amount	Direct Pos	Est. FTE	Amount	Direct Pos	Est. FTE	Amount	Direct Pos	Est. FTE	Amount
General Tax Matters	639	527	104,877	639	519	105,519	0	0	960	639	519	105,479
Total Direct	639	527	104,877	639	519	105,519	0	0	960	639	519	105,479
Balance Rescission			0			0			0			0
Total Direct with Rescission			104,877			105,519			960			105,479
Reimbursable FTE		7			0			0			0	
Total Direct and Reimb. FTE		534			519			0			519	
Grand Total, FTE		534			519			0			519	

Program Activity	2014 Increases			2014 Offsets			2014 Request		
	Direct Pos	Est. FTE	Amount	Direct Pos	Est. FTE	Amount	Direct Pos	Est. FTE	Amount
General Tax Matters	0	0	0	0	0	0	639	519	105,479
Total Direct	0	0	0	0	0	0	639	519	105,479
Balance Rescission			0			0			0
Total Direct with Rescission			0			0			105,479
Reimbursable FTE		0			0			0	
Total Direct and Reimb. FTE		0			0			0	
Grand Total, FTE		0			0			519	519

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101(c)).

D. Resources by DOJ Strategic Goal and Strategic Objective

Resources by Department of Justice Strategic Goal/Objective

Tax Division
Salaries and Expenses
(Column in Thousands)

Strategic Goal and Strategic Objective	2012 Appropriation Enacted			2013 Continuing Resolution *			2014 Current Services			2014 Increases			2014 Offsets			2014 Total Request		
	Direct/ Reimb FTE	Direct Amount	Reimb Amount	Direct/ Reimb FTE	Direct Amount	Reimb Amount	Direct/ Reimb FTE	Direct Amount	Reimb Amount	Direct/ Reimb FTE	Direct Amount	Reimb Amount	Direct/ Reimb FTE	Direct Amount	Reimb Amount	Direct/ Reimb FTE	Direct Amount	Reimb Amount
Goal 2: Prevent Crime, Protect the Rights of the American People, and enforce Federal Law																		
2.6 Protect the federal fisc and defend the interests of the United States		104,877	519		105,519	519		106,479	0		0	0		0	0	0	106,479	0
Subtotal, Goal 2	582	104,877	519	582	105,519	519	519	106,479	0	0	0	0	0	0	0	0	106,479	0
TOTAL																		

Note: Excludes Balance Rescission and/or Supplemental Appropriations.

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (b)).

Justifications for Technical and Base Adjustments

Tax Division
Salaries and Expenses
(Dollars in Thousands)

Item	Direct Pk.	Estimate FYE	Amount
Technical Adjustments			
1 Administrative - 2013 CR 0512N. The 2013 CR 0512N provided 0.512% across the board increase above the current rate for the 2013 CR funding level. This adjustment is for the 2013 CR funding level.	0	0	442
Transfers			
1 ACORN and ACORN SITS 4. Transfer of \$261,000 is included in support of the Department's Judicial Consolidated Office Network (JCORN) and JCORN SITS programs which will be moved to the Working Capital Fund and provided as a before service in FY 2014.	0	0	442
2 Office of Information Policy The component transfer of \$31,000 for the Office of Information Policy (OIP) into the General Administration appropriation will continue appropriate funding and eliminate the current reimbursable financing process. The certification of the funding is administratively advantageous because it eliminates the paper intensive reimbursement process.	0	0	0
3 Professional Responsibility Advisory Office The component transfer of \$131,000 for the Professional Responsibility Advisory Office (PPAO) into the General Administration appropriation will continue appropriate funding and eliminate the current reimbursable financing process. The certification of the funding is administratively advantageous because it eliminates the paper intensive reimbursement process.	0	0	31
Subtotal, Technical Adjustments			173
Pay and Benefits			
1 Pay and Benefits This request provides for a proposed 1 percent pay raise to be effective in January of 2014. The amount request \$569,000 represents the pay amount for 3/4 of the fiscal year plus appropriate benefits (\$458,000 for pay and \$109,000 for benefits).	0	0	569
2 Compensation of 2013 Pay Rises The pay annualization represents last quarter amounts (October through December) of the 2013 pay increase of 0.5% included in the 2013 revenue budget. The amount requested \$109,000 represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$82,000 for pay and \$27,000 for benefits).			109
3 Employee Compensation Act The \$50,000 request reflects anticipated changes in payments to the Department of Labor for injury benefits under the Federal Employee Compensation Act.			40
6 Health Insurance The request for FY 2014, the component's contribution to Federal employees' health insurance increases by 5.0 percent. Applied against the 2013 estimate of \$1,121,000, the additional amount required is \$57,050.			107
7 Pensions Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 1.3 percent per year. The requested increase of \$63,000 is necessary to meet our increased retirement obligations as a result of this conversion.			0
Domestic Rent and Facilities			
1 General Services Administration (GSA) Rent The request for FY 2014, the component's request for GSA rent is subject to contractual terms for equivalent space and related services (including janitorial, security, and other services) to be provided by GSA. The requested increase of \$50,000 is required to meet our commitment to GSA. The use of an automated system, which uses the last inventory data, resulting into increases to be effective FY 2014 for each building currently occupied by Department of Justice components as well as the costs of new space to be occupied. GSA provides data on the leasehold.	0	0	50
2 Guard Services The request for FY 2014, the component's request for guard services is subject to contractual terms for equivalent space and related services (including janitorial, security, and other services) to be provided by GSA. The requested increase of \$19,000 is required to meet these commitments.	0	0	19
Subtotal, Domestic Rent and Facilities			31
TOTAL DIRECT TECHNICAL AND BASE ADJUSTMENTS			617

F. Crosswalk of 2012 Availability

Crosswalk of 2012 Availability
Tax Division
Salaries and Expenses
(Dollars in thousands)

Program Activity	2012 Appropriation Enacted who Balance Reversion			Balance Reversion			Reprogramming/Transfers			Carryover		Recoveries/ Refunds		2012 Actual	
	Direct	FTE	Amount	Direct	FTE	Amount	Direct	FTE	Amount	Amount	Amount	Direct	FTE	Amount	Amount
General Tax Mailers	638	527	104,877	0	0	0	0	0	0	564	564	68	639	527	105,509
Reimbursable FTE	638	527	104,877	0	0	0	0	0	0	564	564	68	639	527	105,509
Total Direct	638	527	104,877	0	0	0	0	0	0	564	564	68	639	527	105,509
Reimbursable FTE	638	527	104,877	0	0	0	0	0	0	564	564	68	639	527	105,509
Total Direct and Reimb FTE	638	527	104,877	0	0	0	0	0	0	564	564	68	639	527	105,509
Grand Total FTE	638	527	104,877	0	0	0	0	0	0	564	564	68	639	527	105,509

Carryover: Funds were carried over from FY 2011 from ALS. The Tax Division brought forward \$564,000 from funds provided in FY 2011 from ALS.

Recoveries/Refunds: Funding included \$68,000 in recoveries from ALS.

G. swalk of 2013 Availability

Crosswalk of 2013 Availability
Tax Division
Salaries and Expenses
(Dollars in Thousands)

Program Activity	FY 2013 Continuing Resolution			Supplemental Appropriation			Reprogramming/Transfers			Carryover		Recoveries/Refunds		2013 Availability		
	Direct Pos.	Estim. FTE	Amount	Amount	Direct Pos.	Estim. FTE	Amount	Amount	Amount	Amount	Direct Pos.	Estim. FTE	Amount	Amount	Direct Pos.	Estim. FTE
General Tax Matters	639	519	105,519	0	0	0	0	0	0	0	639	519	105,899	0	639	519
Balance Rescission	639	519	105,519	0	0	0	0	0	0	0	639	519	105,899	0	639	519
Total Direct with Rescission			0													
Reimbursable FTE		0	105,519							0				105,899		
Total Direct and Reimb. FTE		519								0				105,899		
Grand Total, FTE		519								0				105,899		

Carryover: Funds were carried over from FY 2012 from ALS. The Tax Division brought forward \$11,000 from funds provided in FY 2011 from ALS.

Recoveries/Refunds: Funding included \$389,000 in recoveries from ALS.

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriation Resolution, 2013 (P.L. 112-175, Section 101 (c))

Summary of Reimbursable Resources

Tax Division
Salaries and Expenses
(Dollars in Thousands)

Collections by Source	2012 Actual			2013 Planned			2014 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
Internal Revenue Service	0	0	2,165	0	0	42	0	0	0	0	0	-42
Debt Collection (3% Fund)	0	0	5,219	0	0	5,684	0	0	0	0	0	-5,684
Treasury	0	0	181	0	0	183	0	0	0	0	0	-183
DOJ - EOUSA	0	0	3,643	0	0	157	0	0	0	0	0	-157
Budgetary Resources	0	0	11,208	0	0	6,066	0	0	0	0	0	-6,066

Obligations by Program Activity	2012 Actual			2013 Planned			2014 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
Internal Revenue Service	0	0	2,165	0	0	42	0	0	0	0	0	-42
Debt Collection (3% Fund)	0	0	5,219	0	0	5,684	0	0	0	0	0	-5,684
Treasury	0	0	181	0	0	183	0	0	0	0	0	-183
DOJ - EOUSA	0	0	3,643	0	0	157	0	0	0	0	0	-157
Budgetary Resources	0	0	11,208	0	0	6,066	0	0	0	0	0	-6,066

Detail of Permanent Positions by Category

Tax Division
Salaries and Expenses
(Dollars in Thousands)

Category	2012 Appropriation Enacted		2013 Continuing Resolution		2014 Request			
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.	Program Increases	Program Offsets	Total Direct Pos.	Total Reimb. Pos.
Personnel Management (200-299)	8	0	8	0	0	0	8	0
Clerical and Office Services (300-399)	108	0	108	0	0	0	108	0
Accounting and Budget (500-599)	9	0	9	0	0	0	9	0
Attorneys (905)	370	7	377	0	0	0	377	0
Paralegals / Other Law (900-998)	125	0	125	0	0	0	125	0
Library (1400-1499)	1	0	1	0	0	0	1	0
Information Technology Mgmt. (2210)	11	0	11	0	0	0	11	0
Total	632	7	639	0	0	0	639	0
Headquarters (Washington, D.C.)	611	0	611	0	0	0	611	0
U.S. Field	28	0	28	0	0	0	28	0
Foreign Field	0	0	0	0	0	0	0	0
Total	639	0	639	0	0	0	639	0

K. Summary of Requirements by Grade

Summary of Requirements by Grade

Tax Division
Salaries and Expenses
(Dollars in Thousands)

1

Grades and Salary Ranges		2012 Enacted		2013 Continuing Resolution		2014 Request		Increase/Decrease	
		Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount
EX	\$ 145,700 - 199,700	1	0	1	0	1	0	0	0
SES/SL	\$ 119,554 - 179,700	32	0	32	0	32	0	0	0
GS-15	\$ 123,758 - 155,500	270	0	284	0	284	0	0	0
GS-14	\$ 105,211 - 136,771	83	0	83	0	83	0	0	0
GS-13	\$ 89,033 - 115,742	49	0	49	0	49	0	0	0
GS-12	\$ 74,872 - 97,333	20	0	20	0	20	0	0	0
GS-11	\$ 62,467 - 81,204	38	0	38	0	38	0	0	0
GS-10	\$ 56,857 - 73,917	12	0	12	0	12	0	0	0
GS-9	\$ 51,630 - 67,114	48	0	48	0	48	0	0	0
GS-8	\$ 46,745 - 60,765	44	0	44	0	44	0	0	0
GS-7	\$ 42,209 - 54,875	21	0	9	0	9	0	0	0
GS-6	\$ 37,983 - 49,375	3	0	3	0	3	0	0	0
GS-5	\$ 37,075 - 44,293	6	0	8	0	8	0	0	0
GS-4	\$ 30,456 - 39,590	5	0	6	0	6	0	0	0
GS-3	\$ 27,130 - 35,269	5	0	2	0	2	0	0	0
GS-2	\$ 24,865 - 31,292	2	0	0	0	0	0	0	0
GS-1	\$ 22,115 - 27,663	0	0	0	0	0	0	0	0
Total, Appropriated Positions		639	0	639	0	639	0	0	0
Average SES Salary			177,396		186,266		177,292		
Average GS Salary			107,384		112,753		116,884		
Average GS Grade			13		13		13		

Summary of Requirements by Object Class

Tax Division
Salaries and Expenses
(Dollars in Thousands)

Object Class	2012 Actual		2013 Availability *		2014 Request		Increase/Decrease	
	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 Full-Time Permanent	499	56,300	493	58,480	493	58,979	0	499
11.3 Other than Full-Time Permanent	28	2,152	0	2,222	26	2,297	0	75
11.5 Other Personnel Compensation	0	867	0	238	0	250	0	14
<i>Overline</i>	0	54	0	30	0	50	0	0
<i>Other Compensation</i>	0	813	0	186	0	200	0	14
11.8 Special Personal Services Payments	0	0	0	0	0	0	0	0
<i>Total</i>	525	59,319	519	60,938	519	61,326	0	588
Other Object Classes								
12.0 Personnel Benefits		15,894		15,783		15,932		149
13.0 Benefits for former personnel		81		2,851		2,975		24
21.0 Travel and Transportation of Persons		2,199		899		905		6
22.0 Transportation of Things		938		12,692		13,060		368
23.1 Rental Payments to GSA		13,371		0		0		0
23.2 Rental Payments to Others		0		1,044		1,065		21
23.3 Communications, Utilities, and Miscellaneous Charges		1,498		75		75		0
24.0 Printing and Reproduction		68		0		0		0
25.1 Advisory and Assistance Services		7,347		7,736		7,478		258
25.2 Other Services from Non-Federal Sources		0		2,866		2,638		328
25.3 Other Goods and Services from Federal Sources		0		0		0		0
25.4 Operation and Maintenance of Facilities		0		0		0		0
25.5 Research and Development Contracts		0		0		0		0
25.6 Medical Care		0		0		0		0
25.7 Operation and Maintenance of Equipment		0		0		0		0
25.8 Subsistence and Support of Persons		0		0		0		0
26.0 Supplies and Materials		0		0		0		0
31.0 Equipment		0		0		0		0
<i>Total Obligations</i>		852		472		475		3
Subtract - Unobligated Balance, Start-of-Year		852		343		350		7
Subtract - Transfers/programming		102,328		105,899		106,479		589
Subtotal - Recoveries/Returns		-564		-11		0		11
Add - Unobligated End-of-Year, Available		0		-369		0		369
Add - Unobligated End-of-Year, Expiring		11		0		0		0
<i>Total Direct Requirements</i>	0	3,470	0	105,519	0	106,479	0	960
Reimbursable FTE		0		0		0		0
Full-Time Permanent		0		0		0		0
23.1 Rental Payments to GSA (Reimbursable)		0		0		0		0
25.3 Other Goods and Services from Federal Sources - DHS Security (Reimbursable)		0		0		0		0

* The 2013 Availability includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

The Criminal Division



FY 2014
Congressional Submission

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I. Overview for Criminal Division

A. FY 2014 Budget Summary

The Criminal Division requests a total of 814 permanent positions, 703 direct Full-Time Equivalent work years (FTE), and \$182,499,000 in its Salaries and Expenses appropriation for Fiscal Year (FY) 2014. The Division's request will maintain the current level of services while providing funding for necessary resources to combat the growing and evolving cyber threat, the most significant financial and mortgage fraud cases, as well as the increasing threat of transnational intellectual property crime. Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address:
<http://www.justice.gov/02organizations/bpp.htm>.

B. Criminal Division Mission & Program Activities

The Criminal Division's mission is to develop, enforce, and supervise the application of all federal criminal laws, except those specifically assigned to other divisions. Furthermore, the Division must identify and respond to critical and emerging national and international criminal threats and lead the enforcement, regulatory, and intelligence communities in a coordinated nationwide response to reduce those threats.

The events of September 11, 2001, highlighted the need for increased nationwide coordination and information sharing. The Division serves a critical role in coordinating among the Department's criminal law components, including the U.S. Attorneys' Offices. As a "headquarters" office, the Division also serves as the central point of contact for foreign countries seeking law enforcement assistance. No other organization within the Department or the U.S. Government is equipped to fulfill this role – one that is more critical than ever considering the continually increasing globalization and sophistication of crime.

The Division engages in several program activities to achieve its mission: (1) investigating and prosecuting, (2) providing expert guidance and advice, (3) reviewing the use of law enforcement tools, and (4) fostering global partnerships. Every day, the Criminal Division performs these functions at the forefront of federal criminal law enforcement.

(1) Investigating and Prosecuting

- Investigating and prosecuting the most significant cases and matters
- Coordinating a wide range of criminal investigations and prosecutions that span multiple jurisdictions and involve multiple law enforcement partners

With its investigation and prosecution activities, the Division strives to support its mission by investigating and prosecuting aggressively, but responsibly. By providing both national

perspective and leadership, the Division undertakes complex cases and ensures a consistent and coordinated approach to the nation's law enforcement priorities, both domestically and internationally. The Division has a "birds-eye" view of white collar crime, public corruption, organized crime, narcotics, violent crime, and other criminal activities, and consequently is uniquely able to ensure that crimes that occur across borders do not go undetected or ignored.

(2) Providing Expert Guidance and Advice

- Developing and supporting effective crime reduction strategies and programs
- Driving policy, legislative, and regulatory reforms
- Providing expert counsel and training in criminal enforcement matters to state, local, federal enforcement partners

The Criminal Division serves as the strategic hub of legal and enforcement experience, expertise, and strategy in the fight against national and international criminal threats. Consequently, its expert guidance and advice activities are crucial to the successful application of criminal law throughout the country. The Division leads the national effort to address emerging criminal trends, including the increasingly international scope of criminal activity. The guidance provided to U.S. Attorneys' Offices and other federal law enforcement partners ensures the uniform application of the law and furthers the Department of Justice's mission to ensure justice.

(3) Reviewing the Use of Law Enforcement Tools

- Approving and overseeing the use of the most sophisticated investigative tools in the federal arsenal

The Division serves as the Department's "nerve center" for many critical operational matters. It is the Division's responsibility to ensure that investigators are effectively and appropriately using available sensitive law enforcement tools. These tools include Title III wiretaps, electronic evidence-gathering authorities, correspondent banking subpoenas, and the Witness Security Program, to name a few. In the international arena, the Division manages the Department's relations with foreign counterparts and coordinates all prisoner transfers, extraditions, and mutual legal assistance requests. Lastly, the Division handles numerous requests for approval from the field to use sensitive law enforcement techniques in conjunction with particular criminal statutes. For example, the Division reviews every racketeering indictment that is brought across the nation. In these ways, the Division serves a critical and unique role.

(4) Fostering Global Partnerships

- Helping international law enforcement partners build capacity to prosecute and investigate crime within their borders by providing training and assistance
- Negotiating Mutual Legal Assistance Treaties with international parties to enhance cooperative efforts with international parties

The Division reaches out to its international partners to ensure the safety of Americans at home

and abroad. Posts in ten countries are maintained to foster relationships and participate in operations with international law enforcement and prosecutors. The Division also has personnel in developing democracies across the globe, providing assistance to foreign governments in developing and maintaining viable criminal justice institutions for the purpose of sustaining democracy and promoting greater cooperation in transnational criminal matters and the capacity to provide modern professional law enforcement services based on democratic principles and respect for human rights.

C. The Criminal Division's Strategic Priorities

The Criminal Division leverages its substantial expertise in a broad array of federal criminal subject matters to help the Department achieve two of its three Strategic Goals: (1) Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law and (2) Prevent Crime, Protect Rights of the American People, and Enforce Federal Law (see table below).

Department of Justice's Strategic Plan	
Goal One: Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law	1.1 Prevent, disrupt, and defeat terrorist operations before they occur
	1.2 Prosecute those involved in terrorist acts
Goal Two: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law	2.1 Combat the threat, incidence, and prevalence of violent crime
	2.2 Prevent and intervene in crimes against vulnerable populations; uphold the rights of, and improve services to, America's crime victims
	2.3 Combat the threat, trafficking, and use of illegal drugs and the diversion of licit drugs
	2.4 Combat corruption, economic crimes, and international organized crime
	2.5 Promote and protect Americans' civil rights
Goal Three: Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal and International Level	3.1 Promote and strengthen relationship and strategies for the administration of justice with state, local, tribal and international law enforcement.

In working to achieve these goals, the Division has identified the following key strategic outcomes to address the country's most critical justice priorities:

- Ensuring **trust and confidence in government institutions** by reducing public corruption at every level of government;
- Ensuring the **stability and security of domestic and global markets**, as well as the integrity of government programs, by reducing fraud, money laundering, and other economic crimes;

-
- **Disrupting and dismantling criminal organizations and networks that act across state and national boundaries** and that threaten our country through violence, drug trafficking, and computer crime;
 - **Protecting our children** from exploitation and **vindicating human rights** wherever possible;
 - **Promoting the Rule of Law** around the world; and
 - **Supporting national security** and crime-fighting efforts across federal, state, and local governments.

Examples of how the Division's program activities contribute to achieving its strategic outcomes are provided in the following table:

Key Strategic Priority	Prosecuting & Investigating Activities	Expert Guidance & Advice Activities	Law Enforcement Tool Review Activities	Global Partnership Activities
Ensuring Trust & Confidence in Government Institutions	<ul style="list-style-type: none"> Prosecuting cases aimed at deterring corruption among elected and other government officials Supporting United States Attorneys' Offices (USAOs) by prosecuting cases from which USAOs are recused 	<ul style="list-style-type: none"> Providing assistance and guidance to USAOs in sensitive cases Ensuring election crime matters are handled uniformly and fairly 	<ul style="list-style-type: none"> Using asset forfeiture tools to seize ill-gotten proceeds of crime Providing oversight to sensitive operations Utilizing electronic surveillance in sensitive investigations of government officials 	<ul style="list-style-type: none"> Training foreign countries in anti-corruption strategies Supporting investigations focused on deterring the corruption of foreign officials
Ensuring the Stability & Security of Domestic & Global Markets	<ul style="list-style-type: none"> Vigorously prosecuting those who attempt to defraud tax-payers Conducting sensitive and complex investigations of corrupt corporations operating inside and outside the United States 	<ul style="list-style-type: none"> Training thousands of foreign officials on intellectual property crimes Developing national strategies to combat procurement and Medicare fraud 	<ul style="list-style-type: none"> Developing regulations to address ways to better detect procurement fraud Providing oversight to ensure fair application of powerful law enforcement tools 	<ul style="list-style-type: none"> Establishing international working groups to combat money laundering Creating working relationships with traditionally closed countries
Disrupting & Dismantling Criminal Organizations	<ul style="list-style-type: none"> Prosecuting wide-ranging criminal organizations using racketeering and other powerful criminal statutes Coordinating transnational operations relating to violent gangs 	<ul style="list-style-type: none"> Training USAOs on effectively using the law to prosecute gangs Creating a coordinated global approach to dismantle drug trafficking organizations 	<ul style="list-style-type: none"> Providing oversight for the use of electronic surveillance in violent crime and organized crime cases Assisting in the protection of witnesses 	<ul style="list-style-type: none"> Improving relations with law enforcement in various countries where gang leaders reside Implementing the International Organized Crime Strategy

Key Strategic Priority	Prosecuting & Investigating Activities	Expert Guidance & Advice Activities	Law Enforcement Tool Review Activities	Global Partnership Activities
Protecting Children & Vulnerable Human Rights	<ul style="list-style-type: none"> Prosecuting high-profile and dangerous child predators Investigating potential war criminal harboring illegally in the U.S. 	<ul style="list-style-type: none"> Training Project Safe Childhood (PSC) field units in prosecution techniques Advising foreign counterparts on conducting complex investigations 	<ul style="list-style-type: none"> Overseeing a high-tech lab to assist law enforcement in gathering critical evidence in child exploitation cases Developing strategies to effectively capture digital evidence 	<ul style="list-style-type: none"> Working to form international strategies to combat child sexual exploitation Prosecuting U.S. government agents who have violated human rights while in other countries
Promoting the Rule of Law Internationally	<ul style="list-style-type: none"> Coordination of bi-lateral investigations Seeking the extradition of criminal defendants who have fled overseas 	<ul style="list-style-type: none"> Assisting foreign countries in the development of laws and legal procedures Training of our foreign counterparts 	<ul style="list-style-type: none"> Obtaining evidence from or for foreign countries Supporting trans-national investigations 	<ul style="list-style-type: none"> Providing direct technical assistance on case-specific matters Participating in international policy groups
Supporting National Security	<ul style="list-style-type: none"> Prosecuting cases focused on deterring corruption of foreign officials Supporting investigations aimed at limiting terrorist mobility 	<ul style="list-style-type: none"> Participating in government-wide anti-terrorism strategy groups Providing expert guidance on freezing terrorist assets 	<ul style="list-style-type: none"> Negotiating Mutual Legal Assistance Treaties to obtain foreign evidence Securing extradition of terrorist suspects 	<ul style="list-style-type: none"> Strengthening counter-terrorism ability of foreign counterparts Working with other countries to disrupt terrorist travel networks

D. Challenges to Achieving Outcomes

Many factors, both external and internal, impact the Criminal Division's capacity to accomplish its goals. While some of these factors are beyond its control, the Division strives to navigate these obstacles successfully and to minimize the negative impact that these factors have on the Division's critical mission.

External Challenges

1. Globalization of Crime: The increasing globalization of crime and the emergence of transnational threats will continue to bring new challenges to law enforcement, both at home and abroad. In its commitment to combat transnational threats, the Criminal Division continues to serve as the Department's "global headquarters," effectively developing criminal policies and legislation, while monitoring both national and transnational criminal trends. As important, the Division is the central clearinghouse for all requests by foreign countries for evidence of crimes that may be in the United States and for all requests by U.S. law enforcement authorities for evidence of crimes that may reside abroad. The Division has the breadth of experience and the unique capability to build essential global partnerships to successfully combat transnational crimes, but requires critical resources to keep pace with the increasing demand for its services.
2. Advances in Technology: New technologies have generated cutting-edge methods for committing crimes, such as use of the Internet to commit identity theft and use of peer-to-peer software programs to share large volumes of child pornography in real-time. These technologies continue to pose many challenges to law enforcement agents and prosecutors alike. It is the Division's job to keep pace with these cutting-edge methods of technology and provide training and assistance to other prosecutors and investigators.
3. Weak International Rule of Law: Some countries lack effective policies, laws, and judicial systems to investigate and prosecute criminals in their countries. These weaknesses create obstacles for the Division, as it tries to bring criminals to justice and seize their ill-gotten profits.
4. Increasing Statutory Responsibilities in a Challenging Fiscal Environment: New legislation that increases the Division's responsibilities has placed additional demands on the Division's resources. This includes the steady increase in the number of mandatory reporting requirements to which the Division must respond.

Internal Challenges

The Criminal Division faces a number of internal challenges due to growing demands. These challenges include the following:

1. Automated Litigation Support: Cases and matters the Division prosecutes and investigates are complicated and complex and require a massive amount of data to be processed and stored.
2. Information and Network Security: To stay one step ahead of criminals, the Division needs to acquire the most advanced IT equipment and software available. Additionally, it must ensure that it is invulnerable to cyber attacks or computer intrusions.

E. Budget & Performance Integration

This budget demonstrates how the Criminal Division's resources directly support the achievement of the Department's strategic goals and priorities – both nationally and internationally.

The Division reports as a single decision unit; therefore, its resources are presented in this budget as a whole. Total costs represent both direct and indirect costs, including administrative functions and systems. The performance/resources table in Section IV of this budget provides further detail on the Division's performance-based budget.

F. Environmental Accountability

The Criminal Division has taken significant steps to integrate environmental accountability into its daily operations and decision-making process:

- The Division has initiated (paperless) electronic transmittal of all service work requests and internal administrative services, which saves paper and reduces its carbon footprint.
- The Division has completed the balancing of the water system to conserve and provide more efficient use of its supplemental air conditioning units.
- The Division is continuing to work with the building management to install electrical light timers and motion detectors in corridors and bathrooms to reduce the use and cost of electricity. The Division has completed this installation in one of its three leased buildings.
- The Division continues to take steps to improve the recycling and environmental awareness programs within the Division. The Division has a comprehensive recycling program that includes the (1) distribution of individual recycling containers to every federal and contract employee, (2) inclusion of recycling flyers in all new employee orientation packages, (3) publication of energy and recycling articles in the Division's Security and Operations Support newsletter, and (4) creation of a recycling section on the Division's Intranet site. The Division is in ongoing discussions with two of its

leased buildings to use “Single Stream” recycling which would enhance the Division’s program overall by removing the requirement for tenants to separate recyclables.

II. Summary of Program Changes

Item Name	Description				Page
		Pos.	FTE	Dollars (\$000)	
Cyber Security	This request will allow the Criminal Division to combat the growing and evolving cyber threat. The additional resources will increase the Division's capability in four key areas: cybercrime investigations and prosecutions; advice and advocating legal tools and authorities; international cooperation and outreach; and forensic support.	25	14	\$2,580	18
Financial and Mortgage Fraud	These additional resources will be used by the Criminal Division to prosecute the most significant financial and mortgage fraud cases, coordinate multi-district financial and mortgage fraud cases, and assist U.S. Attorneys Offices (USAOs) in mortgage fraud cases with significant money laundering and asset forfeiture components.	28	14	\$5,000	27
Intellectual Property	This request would help the Criminal Division to better combat the increasing threat of transnational intellectual property crime. The additional resources will be used to place four DOJ Attachés overseas that will serve as regional International Computer Hacking and Intellectual Property coordinators (ICHIPs). A portion of this enhancement also be used to increase the capacity of the Division's domestic IP program to provide critical support to the ICHIP/Attachés and ensure the coordinated use of ICHIP resources overseas.	11	6	\$3,500	32

III. Appropriations Language and Analysis of Appropriations Language

No changes to appropriations language.

IV. Decision Unit Justification

A. Enforcing Federal Criminal Laws

Enforcing Federal Criminal Laws	Perm. Pos.	FTE	Amount
2012 Enacted	751	748	\$174,000
2013 Continuing Resolution	751	670	\$174,000
2013 Continuing Resolution 0.612% Increase			\$1,065
Base and Technical Adjustments	-1	-1	-\$3,646
2014 Current Services	750	669	\$171,419
2014 Program Increases	64	34	\$11,080
2014 Request	814	703	\$182,499
Total Change 2012-2014	63	-45	\$8,499

1. Program Description

The mission of the Criminal Division is to develop, enforce, and supervise the application of all federal criminal laws, except those specifically assigned to other divisions. The Criminal Division is situated at headquarters to work in partnership with both domestic and international law enforcement. While U.S. Attorneys and state and local prosecutors serve a specific jurisdiction, the Criminal Division addresses the need for centralized coordination, prosecution, and oversight.

The Division complements the work of its foreign and domestic law enforcement partners by centrally housing subject matter experts in all areas of federal criminal law, as reflected by the 16 Sections and Offices that make up the Division's Decision Unit "Enforcing Federal Criminal Laws:"

- Appellate Section;
- Asset Forfeiture and Money Laundering Section;
- Capital Case Unit;
- Child Exploitation and Obscenity Section;
- Computer Crime and Intellectual Property Section;
- Human Rights and Special Prosecutions Section;
- International Criminal Investigative Training Assistance Program;
- Narcotic and Dangerous Drug Section;
- Office of Administration;
- Office of the Assistant Attorney General;
- Office of Enforcement Operations;
- Office of International Affairs;
- Office of Overseas Prosecutorial Development, Assistance and Training;
- Office of Policy and Legislation;
- Organized Crime and Gang Section; and
- Public Integrity Section.

The concentration of formidable expertise in a broad range of critical subject areas strengthens and shapes the Department's efforts in bringing a broad perspective to areas of national and transnational criminal enforcement and prevention. To capture this range of expertise, the Division's Performance and Resource Table is organized into three functional categories: prosecutions and investigations; expert guidance and legal advice; and the review of critical law enforcement tools.

2. Performance and Resource Tables

PERFORMANCE AND RESOURCES TABLE									
Decision Unit: Enforcing Federal Criminal Laws									
RESOURCES									
	Target		Actual		Projected		Changes		Requested (Total)
	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FY 2014 Request
	1,091	\$174,000	954	\$175,065	952	\$175,065	33	\$7,434	995
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are not included in the total)									
									\$182,499
TYPE/ STRATEGIC OBJECTIVE	FY 2012		FY 2012		FY 2013 CR		Current Services Adjustments and FY 2014 Program Changes		FY 2014 Request
	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE
PERFORMANCE									
1. Prosecutions and Investigations	477	\$89,462	458	\$90,319	446	\$93,047	21	\$4,473	467
Workload	452		461		443		22		465
Cases Opened	307		511		322		16		338
Cases Closed	1,362		3,155		1,287		127		1,414
Cases Pending	3,410		3,209		3,207		0		3,207
Appellate Work - Opened	3,370		3,182		3,198		0		3,198
Appellate Work - Closed	2,876		2,889		2,833		0		2,833
Appellate Work Pending	916		909		901		46		946
Matters Opened	791		1,065		890		44		934
Matters Closed	2,010		1,887		1,718		12		1,730
Matters Pending									

Program Activity	2. Expert Guidance and Legal Advice	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Workload	Number of Legislative and Policy Analysis Matters Completed	425	\$49,686	353	\$47,813	351	\$47,776	9	\$2,038	360	\$49,814
Workload	Number of Programmatic Coordination Activities	5,181		5,875		5,299		211		5,510	
Workload	Number of Legal Advisory Matters Completed	4,058		5,228		7,071		283		7,354	
Workload	Number of Training Sessions/Presentations	24,271		35,728		29,959		1,198		31,157	
Workload	Number of Training Sessions/Presentations	3,305		3,845		3,395		135		3,530	
Program Activity	3. Law Enforcement Tools	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Workload	Number of Mandatory Reviews Completed	189	\$34,852	143	\$34,858	156	\$34,243	3	\$922	159	\$35,165
Performance Measure: Output	Favorably Resolve Criminal Cases	17,314		13,060		27,432		823		29,255	
Performance Measure: Efficiency	Favorably Resolve Civil Cases	80%		93%		90%		0		90%	
		80%		N/A		80%		0		80%	

Data Definition, Validation, and Limitations: Definitions: Prosecutions and Investigations: This program activity includes cases or investigatory matters in which the Criminal Division has sole or shared responsibility. The case breakdowns include cases from the following Sections/Offices: Fraud Section, Public Integrity Section, Criminal Justice Section, Organized Crime and Gang Section, Narcotics and Dangerous Drugs Section, Asset Forfeiture Section, Child Exploitation and Obscenity Section, Special Prosecutions Section, and Capital Case Unit. Appeals: Appellate Section, Expert Guidance & Legal Advice: This program activity includes oral and written advice and training to federal, state, local, and foreign law enforcement officials; coordination and support of investigations, prosecutions, advice and briefing to District Attorneys, international and multi-district levels; and oral and written analysis of legislation and policy issues, development of legislative proposals, advice and briefing to Departmental and external policy makers, and participation in inter-agency policy coordination and discussions. Law Enforcement Tools: This program activity includes the work the Division does in specific areas of criminal law in reviewing and approving the use of law enforcement tools throughout the law enforcement community. Validation: In FY 2002, the Division initiated a multi-phased workload tracking improvement initiative. To date, improvements include definition and policy clarifications, uniform guidance and reporting, case tracking database improvements for end user benefit, and a regular data validation process to ensure system integrity.

PERFORMANCE MEASURE TABLE

Decision Unit: Enforcing Federal Criminal Laws

Performance Report and Performance Plan Targets		FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012		FY 2013	FY 2014
		Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
OUTPUT Measure	Number of Legislative and Policy Analysis Matters Completed	18,841	14,662	6,683	6,524	7,458	5,181	5,875	5,299	5,510
OUTPUT Measure	Number of Programmatic Coordination Activities	2,019	2,648	2,428	3,509	4,492	4,058	5,528	7,071	7,354
OUTPUT Measure	Number of Legal Advisory Matters Completed	19,651	15,953	16,573	19,039	24,438	24,271	37,765	29,959	31,157
OUTPUT Measure	Number of Training Sessions/Presentations	2,917	2,799	2,194	2,767	3,612	3,305	3,545	3,395	3,530
OUTPUT Measure	Number of Mandatory Reviews Completed	25,052	21,356	22,696	46,125	19,237	17,314	39,690	27,432	28,255
OUTCOME Measure	Favorably resolve Criminal Cases**	97%	95%	97%	90%	96%	90%	93%	90%	90%
OUTCOME Measure	Favorably Resolve Civil Cases**	87%	75%	100%	100%	100%	80%	N/A	80%	80%

N/A = Data unavailable

* As of Fiscal Year 2007, the workloads of the Counterterrorism and Counterespionage Sections are not included in the Criminal Division.

** Denotes inclusion in the DOJ Annual Performance Plan

3. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes

Outcome Measure

The Department's long-term outcome goal for the litigating divisions, including the Criminal Division, is the percentage of criminal and civil cases favorably resolved during the Fiscal Year. The goals are 90 percent (criminal) and 80 percent (civil). The Division has consistently met or exceeded the goals. In FY 2012, the Division met both outcome goals and is on track to meet both of them in FY 2013.

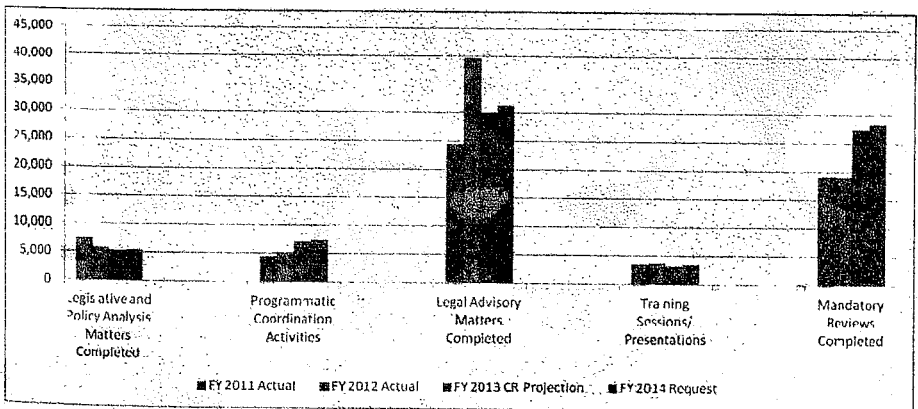
Prosecutions and Investigations Workload

The Division leads complex investigations and tries significant prosecutions. Many of these cases are of national significance, require international coordination, have precedent-setting implications, and involve the coordination of cross-jurisdictional investigations. The Division exceeded some of the FY 2011 targets set for prosecutions and investigations workload. The Division projects that the prosecutions and investigations workload reflected the following:

- The number of cases and matters opened by the Division increased by approximately 5%;
- The number of cases and matters closed increased by approximately 5%; and,
- The number of appellate work opened and closed will remain the same.

Other Critical Division Workload

In addition to investigating and prosecuting criminal cases, the Division plays a central role in the Department's mission by reviewing the use of critical law enforcement tools, including the approval of all requests for wiretapping under Title III. The Division also provides expert guidance and legal advice on significant legislative proposals, analyzes Department-wide and government-wide law enforcement policy, conducts training for the field, and engages in programmatic coordination.



The Division exceeded its FY 2011 targets for four of these five measures, missing only the mandatory reviews completed. With the FY 2014 enhancement request, Division expects to complete about 4% more mandatory reviews.

b. Strategies to Accomplish Outcomes

The Criminal Division's mission is to develop, enforce, and exercise general oversight for all federal criminal laws. In fulfilling this mission, the Division plays a central role in assisting the Department in accomplishing its Strategic Goals One, Two, and Three.

c. Priority Goals

The Criminal Division contributes to two priority goals:

Financial Fraud/Healthcare Fraud: Protect the American people from financial and healthcare fraud: In order to efficiently and effectively address financial fraud and healthcare fraud, by the end of FY 2013, increase by 5 percent over FY 2011 levels, the number of investigations completed per Department of Justice attorney working on financial fraud and healthcare fraud cases; additionally for use in appropriate cases, institute a system for tracking compliance by corporate defendants with the terms of judgments, consent decrees, settlements, deferred prosecution agreements, and nonprosecution agreements.

Vulnerable People: Protect those most in need of help - with special emphasis on child exploitation and civil rights: By September 30, 2013, working with state and local law enforcement agencies, protect potential victims from abuse and exploitation by achieving a 5% increase for 3 sets of key indicators:

- Open investigations concerning non-compliant sex offenders, sexual exploitation of children, human trafficking
- Matters/investigations resolved concerning sexual exploitation of children and human trafficking
- Number of children depicted in child pornography that are identified by the FBI

The Division's progress regarding these two goals is reported quarterly to the Department.

V. Program Increases by Item

Item Name:	<u>Enhancing Cyber Capabilities to Address the Blended Cyber Security Threat</u>
Budget Decision Unit(s):	<u>Enforcing Federal Criminal Laws</u>
Strategic Goal/Objective:	<u>Goal 1: Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law</u> <u>Objective 1.2: Prosecute those involved in terrorist acts</u> <u>Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law</u> <u>Objective 2.4: Combat corruption, economic crimes, and international organized crime</u>
Organizational Program:	<u>Criminal Division</u>
Request Priority:	<u>1 of 3</u>
Program Increase:	Positions <u>25</u> Atty <u>9</u> FTE <u>14</u> Dollars <u>\$2,580,000</u>

Description of Item

The cybercrime threat is growing at a rapid rate. The Criminal Division plays a vital role in combating this threat through direct involvement in prosecutions, support and advocacy for legal tools, international assistance and outreach, and forensic support. In addition to operational support, this enhancement will increase the policy capacity of the Department of Justice as the government continues to grow its interaction and interface with cybersecurity and cyberspace issues. In order to keep pace with the evolving cybercrime threat and the investments being made to investigative agencies, the Division is requesting an increase of **25 positions (9 attorneys), 14 FTE, and \$2,580,000.**

Justification

Threats to the nation's computer networks and cyber systems continue to evolve, as do the nature and capabilities of those responsible for the threats. Over the last several years, criminal investigators and prosecutors have seen significant increases in the skills and organization of threat actors. In the last year, criminal groups such as Anonymous and LulzSec developed and quickly iterated tools and techniques for damaging computer systems and stealing large quantities of personal data.¹ Financially motivated groups work together closely and easily across national boundaries to steal, exploit, and profit from the large-scale theft of personal data, coalescing in forums where they barter individual skills to create ad hoc criminal networks with a power and reach sometimes approaching that of traditional transnational organized crime

¹ See, e.g., Press Release, U.S. Attorney's Office for the Southern District of N.Y., Six Hackers in the United States and Abroad Charged for Crimes Affecting Over One Million Victims (Mar. 6, 2012), available at <http://www.justice.gov/usao/nys/pressreleases/March12/ackroydetalindictmentpr.pdf>; Matt Peckham, *Anonymous and LulzSec Fire Back at Police with Lethal Data Dump*, TIME TECHLAND (Aug. 8, 2011), <http://techland.time.com/2011/08/08/anonymous-and-lulzsec-fire-back-at-police-with-lethal-data-dump/>.

networks.² Intellectual property and similar proprietary information on which our economy depends are threatened not only by criminals attacking remotely, but also by insiders who can secrete years of research onto a chip the size of a coin in moments.³ And, more recently, actors ranging from nation-states to terrorist groups to criminal organizations have expressed an interest in exploiting the computer networks that control our critical infrastructure—such as the power grid or the water supply—for financial gain or political advantage.⁴

Characteristic of these threats is their blended nature. The tools used to commit serious cyber theft and damage are not only wielded by those with large-scale development resources. Instead, individuals or small groups can steal huge quantities of sensitive data, damage key computer systems, or silence those who disagree with them with widely available tools. Financial gains from these crimes can, in turn, be used to build larger networks and buy protection from foreign government officials. As a result, U.S. investigators working to determine the source and nature of a cyber threat often cannot know at the outset whether an attack was mounted by an individual acting alone, an organized criminal or terrorist group, or a hostile nation.

Addressing this complex threat requires a unified approach, one that incorporates criminal investigation and prosecution tools, civil and national security authorities, trade and economic sanctions, public-private partnerships, and international cooperation. Criminal prosecution, whether in the United States or a partner country, plays a central and critical role in this effort. In addition, while prosecution is not the appropriate approach for every threat that affects the United States, identifying and understanding the threat will very often involve the use of criminal investigative tools and methods. Moreover, other means of addressing threats and cooperatively reducing vulnerabilities—whether undertaken by private groups, system protectors, or the intelligence community—will often require a deep and subtle understanding of law enforcement authorities and criminal prohibitions.

The Criminal Division has long stood at the forefront of addressing these issues, along with its partners across law enforcement, government, and the private sector. As a result of extensive investigation and prosecution of criminal threat actors, often conducted side-by-side with

² See, e.g., Press Release, Dep't of Justice Office of Pub. Affairs, *Online Identity Thief Sentenced in Virginia to 14 Years in Prison for Selling Counterfeit Credit Cards Leading to More than \$3 Million in Losses* (Sept. 9, 2011), available at <http://www.justice.gov/opa/pr/2011/September/11-crm-1163.html>; *Identity Theft: A Victims Bill of Rights: Hearing Before the Subcomm. on Info. Policy, Census, and Nat'l Archives of the H. Comm. on Oversight and Gov't Reform* (June 17, 2009) (statement of Jason M. Weinstein, Deputy Assistant Att'y Gen. of the Crim. Div. of the U.S. Dep't of Justice), available at <http://www.justice.gov/ola/testimony/111-1/2009-06-17-crm-weinstein-identity-theft.pdf>.

³ See, e.g., Insider Threat Team, *Theft of Intellectual Property and Tips for Prevention*, CERT INSIDER THREAT BLOG (July 21, 2011, 1:29 PM), https://www.cert.org/blogs/insider_threat/2011/07/insider_threat_methods_of_exfiltration.html; Peter Lattman, *Former Goldman Programmer Found Guilty of Code Theft*, N.Y. TIMES DEALBOOK, (Dec. 10, 2010, 8:16 PM), <http://dealbook.nytimes.com/2010/12/10/ex-goldman-programmer-is-convicted/>.

⁴ See, e.g., Pierluigi Paganini, *SCADA & Security of Critical Infrastructures*, Infosec Institute (February 22, 2013), <http://resources.infosecinstitute.com/scada-security-of-critical-infrastructures/>; Michael S. Schmidt, *New Interest in Hacking as Threat to Security*, N.Y. TIMES, Mar. 14, 2012, at A16, available at <http://www.nytimes.com/2012/03/14/us/new-interest-in-hacking-as-threat-to-us-security.html>; J. Nicholas Hoover, *Cyber Threats to Critical Infrastructure Spike*, INFO. WEEK (Apr. 19, 2011, 2:08 PM), <http://www.informationweek.com/news/government/security/229401858>. See also, *Executive Order—Improving Critical Infrastructure Cybersecurity* (February 12, 2013), <http://www.whitehouse.gov/the-press-office/2013/02/12/executive-order-improving-critical-infrastructure-cybersecurity>.

investigators and Assistant United States Attorneys in the field, Division attorneys possess a deep understanding of cyber threats. They provide extensive and authoritative legal advice on the lawful collection of electronic evidence, navigating complex statutes and case law. They have established relationships with international law enforcement agencies, conducted extensive training, and regularly cooperated with international partners to preserve, collect, and exchange electronic evidence and conduct joint investigations when criminal conduct crosses national borders. Supporting this mission, the Division's Cybercrime Laboratory provides essential assistance to prosecutors, agents, and others, helping them understand and better explain technical issues to judges and juries alike.

Meeting this challenge has never been a solitary endeavor, and the Criminal Division has long understood the need to forge key partnerships to address cyber threats. The Division's Computer Crime and Intellectual Property Section (CCIPS) has developed legal expertise and technical acumen that contribute fundamentally to the success of the Department's cyber security efforts.

To extend this expertise nationally, CCIPS has developed, trained, and partnered with Computer Hacking and Intellectual Property (CHIP) Coordinators during the last 17 years, growing a network that now comprises more than 230 Assistant United States Attorneys (at least one in every district). CCIPS engages with and regularly trains key law enforcement partners across the federal government, including the Federal Bureau of Investigation (FBI), U.S. Secret Service, U.S. Postal Inspection Service, and the Inspector General community. Finally, because cybercrimes often span the globe, the Division has forged transnational networks for effective law enforcement cooperation, including a rapid response network aimed at preserving crucial electronic evidence before it vanishes.

In addition to the direct investigation and prosecution of cybercrimes, the Division has provided extensive legal and policy guidance in furtherance of these goals. To enhance the legal and policy landscape to address cybercrime, the Division has consistently led legislative development addressing emerging criminal threats to both the security of computer systems and networks and to the nation's intellectual property. It has engaged in complex legal reviews of tools and programs that protect critical government and private sector networks against security threats and attacks. It has drafted and advocated for revisions to the laws that allow for the collection of electronic evidence to assure that they keep pace with technological advances and that investigators can gain access to the evidence they need. It has developed and reviewed innovative asset seizure mechanisms to disrupt criminal conduct, enhanced collection and analysis of criminal intelligence relating to organized criminals operating online, and provided timely legal advice regarding the application of existing law to new technology.

Finally, since the creation of the National Security Division (NSD) in 2006, the Criminal Division has provided priority assistance and support to NSD's terrorism prosecutions, to intrusion investigations related to espionage, counter-intelligence, and attacks on critical national infrastructures, and to the cooperative development of cybersecurity policy. Recently, NSD, after a careful review, has recognized the need to make substantial changes to its structure and priorities to address the aspects of the cyber threat for which it is primarily responsible. The Criminal Division, principally through CCIPS, is committed to building NSD's expertise through training and ongoing partnerships as it implements these changes. These efforts will require the Criminal Division to assist NSD in its efforts to build needed capability and then to partner with NSD to address the legal, technical, and policy challenges inherent in addressing threats that are,

by their nature, often incapable at the outset of being placed into easily ascertainable criminal or national security categories.

To address these challenges, the Criminal Division must enhance its approach in four key areas.

1. Timely and Accurate Investigations, Prosecutions, and Disruption Efforts

The threats to our nation's invaluable proprietary and personal information are increasing, and so must our innovation and efforts to deter, disrupt, and prosecute those threat actors. Studies have shown that the number of intrusions continues to increase, and the cost of cybercrime to American businesses and citizens likewise continues to mount.⁵

As a result, the Division's Computer Crime and Intellectual Property Section has experienced a 19% increase in pending investigations and an 8% increase in pending prosecutions between FY 2010 and FY 2012. Without additional resources, the Division will not be able to keep pace with the growing cyber caseload.

CCIPS Cyber Crime Caseload	FY 2010	FY 2011	FY 2012
Total Investigations Pending	252	357	301
<i>National-security focus</i>	50	71	60
<i>Criminal focus</i>	202	286	240
Total Prosecutions Pending	87	97	95
<i>National-security focus</i>	17	19	19
<i>Criminal focus</i>	70	78	76

A reality of cyber investigations is that it is nearly impossible to forecast where they will begin or end. Consequently, the Division, through CCIPS, provides nation-wide support to investigations, prosecutions, and disruption efforts, helping to ensure that its law enforcement partners receive consistent, quality support whether the investigation's trail leads to Silicon Valley, rural America, or overseas. As a result, Criminal Division prosecutors have led, or partnered in, some of the country's most significant data breach and computer intrusion cases, the success of which has required a comprehensive grasp of computer network technology and electronic evidence law and a subtle understanding of the often loosely organized worldwide groups that work together to plan and execute these attacks.

CCIPS prosecutors work in direct cooperation with the CHIP network and investigative agencies to identify and address threat actors, whether they are primarily external—such as criminal groups or foreign actors breaking in and stealing information—or internal, such as insiders misappropriating invaluable research or trade secrets. CCIPS houses prosecutors with a deep understanding of data breaches and computer misuse cases and prosecutors who understand the complexity of intellectual property cases to comprise the nation's leading resource for deterring, investigating, and punishing the theft of sensitive electronic information. Consequently, every additional prosecutor in CCIPS becomes a force multiplier for the Department, leveraging its

⁵ See, e.g., Salvador Rodriguez, *Cyber Crimes Are More Common and More Costly, Study Finds*, L.A. TIMES, Aug. 3, 2011, <http://articles.latimes.com/2011/aug/03/business/la-fi-cyber-attacks-20110803>; Identity Theft Resource Center, *2012 ITRC Breach Report* (December 26, 2012), <http://www.idtheftcenter.org/ITRC%20Breach%20Report%202012.pdf>.

expertise wherever it is needed to the benefit of all USAOs and the achievement of the Department's cyber crime goals.

For example, in April 2011, CCIPS worked closely with a United States Attorney's Office to implement an innovative approach to disrupting a criminal network that had infected hundreds of thousands of computer systems in order to steal and exploit the computer owners' personal financial data. While the individuals controlling the network resided overseas and were largely outside the direct reach of U.S. law enforcement, prosecutors used a combination of civil and criminal authorities to seize key control servers, shut down the network, and work with private sector partners to help disinfect victims' computer systems. This ground-breaking investigation completely disrupted the ongoing crime.

With additional resources, CCIPS will be able to coordinate more of these ground-breaking investigations and will increase the effectiveness of the Department's efforts to combat the cyber threat.

Furthermore, more and more often, offenders reside outside of the United States, requiring the assistance of foreign law enforcement agents to gather evidence and make arrests. The Criminal Division's Office of International Affairs (OIA) has sole authority within the United States for negotiating mutual legal assistance treaties and securing the cooperation of foreign governments in providing to the U.S. fugitives and foreign electronic evidence. The number of mutual legal assistance requests received has increased nine percent since FY 2010 and 28% during the past six years (since FY 2007). While the number of extradition requests received has relatively remained steady since FY 2007, pending requests have increased by 16%. These trends will only continue and, consequently, require additional resources for OIA to handle their critical workload.

2. Providing Effective Advice on and Advocacy for Legal Tools and Authorities

Beyond its direct prosecutorial role, the Criminal Division plays an essential part in helping to interpret and enforce the rules governing access to electronic evidence. Our nation's laws relating to access to electronic communications are complex, reflecting the numerous interests they balance in determining the appropriate scope of law enforcement and private sector access to communications. Through CCIPS and the Office of Enforcement Operations (OEO), the Criminal Division provides comprehensive and authoritative training, guidance, and review regarding lawful access to electronic evidence for United States law enforcement at the federal, state, and local levels.

During the past six years, OEO's electronic surveillance workload has increased by 21%: in FY 2007, OEO reviewed 2,933 electronic surveillance applications. In FY 2012, OEO reviewed 3,554. Since approximately six percent of the Office's workload is directly related to cyber cases, additional resources are necessary to ensure that OEO is able to handle the surveillance requirements of these cases.

CCIPS provides advice through publications and live training to federal, state, and local law enforcement agencies on searching and seizing electronic evidence. This advice is often based upon direct experience litigating those issues before district and appellate courts across the United States. Because of their lengthy and deep experience with these issues, Division

attorneys are regularly sought by United States Attorney's Offices to litigate electronic evidence issues across the country. The number of cases that involve these issues continues to increase as more investigations use electronic evidence, more defense attorneys come to realize that it is a potential source for suppression motions, and more judges become concerned about government access to electronic data. Additional resources will allow the Division to successfully handle and participate in the most significant litigation.

Few issues in the United States are more closely watched or hotly debated than those relating to government access to electronic information. Whether the question involves the appropriate standard for law enforcement access to location information, the contours of an exception to the wiretap laws, or the application of the Fourth Amendment to an emerging technology, the Criminal Division is deeply engaged in the debate that defines the limits of governmental authority. CCIPS engages with privacy advocacy groups, Congress, and other interested parties to advocate for standards that permit access to or sharing of critical cyber security data while protecting individual privacy to the greatest possible extent. As the requirements of this advocacy increase due to growing public interest in government surveillance, additional resources will be needed to support CCIPS' engagement.

3. Developing International Cooperation and Outreach

Because cybercrime is global in scope, the Criminal Division has long had a robust program for encouraging the development by foreign governments of laws, investigation and prosecution capacity, and political will to address emerging cybercrime threats and capabilities. From the development and maintenance of a 24/7 response capability in more than 50 countries aimed at preserving critical evidence before it is deleted, to its leading role in negotiating the first multilateral convention on cybercrime, to its regular engagement on training, policy, and operational issues with law enforcement partners around the world, the Division has led the fight against transnational cybercrime.

But the problem is only growing. Despite significant advances in law enforcement cooperation and understanding, criminals continue to use gaps and inefficiencies in international law enforcement capabilities to evade detection, attribution, and punishment. Foreign authorities apply data protection regulations in ways that can frustrate investigations. Delays in evidence collection resulting from inexperience, overwork, or inadequate laws can stop investigations almost at their inception. And inadequate international governance of the myriad entities involved in providing Internet connectivity and domain registration has permitted the growth of "data havens" where criminal and other threat actors can commit crimes with relative impunity. Indeed, international discussions over Internet governance have expanded in the International Telecommunications Union and the International Corporation for Assigned Names and Numbers. In order to protect the interests of the Department and the United States Government, Division attorneys will increasingly have to contribute their expertise and advocacy to these debates.

Despite these challenges, the Criminal Division has attempted to perform effective international outreach on cyber issues. Using a balanced approach of frank policy discussions with countries that have similar capabilities, combined with multilateral training initiatives aimed at countries whose legal or technical infrastructure to address cyber threats is at an earlier developmental stage, the Division has continued to improve capacity to address cybercrime around the world. CCIPS attorneys lead efforts to build capacity and law enforcement relationships in Africa,

Eastern Europe, and Latin America, including through multi-lateral organizations such as the Organization of American States and the Asia-Pacific Economic Cooperation. As computer infrastructures expand in developing countries, and offenders who victimize Americans inevitably follow, the need for this sort of international engagement continues to grow.

Moreover, the State Department is developing plans to address cyber threats more comprehensively. Because these efforts will result in additional interactions with foreign countries and multilateral organizations, as well as new funding for cybercrime training and assistance, they will increase demands on CCIPS and OIA attorneys.

4. Growing a Proven Structure to Address Digital Forensic Capabilities

Underpinning almost every cyber investigation and prosecution is the forensic examination of digital evidence. Over the last two decades, the volume of digital evidence has exploded. This volume has placed a tremendous burden on the Department's prosecutors to learn and understand the myriad complexities at the intersection of computer forensics, cybercrime, and emerging technologies. Due to the fast pace of advancing technologies, federal prosecutors outside of CCIPS often lack the technical knowledge necessary to know what digital evidence to ask for or how to best use digital evidence to further prosecutions.

Law enforcement agencies are overwhelmed with requests for digital forensics. The backlog and processing time for computer forensic analysis can exceed several years, which significantly undermines effective investigations and prosecutions. Even once a full forensic analysis is complete, prosecutors often receive forensic reports that fall far short of meeting their needs.

Prosecutors, who are the ultimate consumers of computer forensic results, must have appropriate and consistent support from digital analysis experts at all stages of a case. Since law enforcement agency support typically diminishes following indictment, prosecutors often lack the appropriate level of support to meet discovery obligations and to understand, identify, and present critical digital evidence. Prosecutors must have digital analysis resources that are committed to the needs of the prosecutor throughout trial preparation, trial, and sentencing.

Department prosecutors routinely need an immediate in-house "go-to" digital forensic expert to:

- assist prosecutors in both early assessment (triage);
- provide digital investigative analysis consultation as necessary for decision-making at critical times throughout the investigation and prosecution;
- review and explain technical analysis reports from law enforcement and defense experts;
- respond to last-minute evidentiary demands created by judges for pre-trial and sentencing hearings;
- assess and consult with prosecutors during trial to rebut shifting defenses; and
- help create demonstrative exhibits, summaries, and presentations that assist the jury's understanding of digital evidence and forensic expert testimony.

The CCIPS Cybercrime Laboratory plays an essential role in assisting investigators and prosecutors – and ultimately judges and juries – in understanding how particular evidence fits

into an overall “story of the case.” This function may be general – for example, the Laboratory’s outreach to judicial authorities to ensure that they have adequate technical foundation and understanding of the role of electronic evidence – or specific to a particular case.

The CCIPS computer forensic model is a tiered and triage-based approach that provides technical and forensic support to litigation, legislative initiatives, and national security activities through consultation, forensic support, and training. The extent of CCIPS Cybercrime Laboratory support varies depending on case need: it can range from simple consultations to hands-on analysis, support, and training of agents or agency forensic personnel in the field (including the use of automated tools on site); from triage exams to full digital investigative analysis; or from pre-trial preparation to trial and post-trial support. Having a Division digital analysis expert – possessing advanced knowledge, skills, and abilities, as well as the capability to provide effective courtroom testimony if needed – sitting with the prosecutor in court could mean the difference between conceding or rebutting inaccurate or misleading defense expert testimony.

Enhancing the CCIPS Cybercrime Laboratory’s resources is therefore necessary to advance prosecutions, meet discovery obligations, develop and evaluate plea offers, and bridge the gap between what law enforcement agencies produce in the course of their normal computer forensic examinations and what is needed for successful prosecutions. Between 2010 and 2011, the Cybercrime Laboratory experienced a 29% increase in requests for forensic support assistance and a 31% increase in forensic consultations. Each additional Cybercrime Laboratory examiner will significantly increase the lab’s capacity for meeting customer demand: one examiner can increase the number of forensic consults provided by more than 50% and the number of trainings provided by 19%. Furthermore, additional examiners will be needed to keep pace with the ever-increasing size of hard drives and the subsequent datasets requiring digital analysis. Within just the *first quarter* of 2012, the lab received over 12 terabytes of data for analysis, which amounts to 85% of the data received in all of 2009 and 41% of the data received in all of 2011. With appropriate resources, the lab could provide the most comprehensive, efficient, and cost-effective digital investigative analysis support to the Department’s prosecutions across the country.

Impact on Performance (Relationship of Increase to Strategic Goals)

Each additional Criminal Division attorney, laboratory professional, and related support position dedicated to this effort will have a widespread impact on the Department’s ability to successfully prosecute cyber criminals, preserve digital evidence, and meet its mission of protecting national security and public safety against these increasing cyber threats. The Criminal Division has a superb track record: in FY 2011, 100% of its prosecutions had a successful outcome.

However, the Division’s cyber workload is increasing due to the growing nature of the threat and the increase of investigative resources. With the FBI increasing its resources in FY 2014 in support of the Next Generation Cyber Initiative to enhance the technical capabilities of investigative personnel, increase cyber investigations, and improve cyber collection and analysis, the Criminal Division must receive this commensurate increase to ensure that investigations can become successful prosecutions and to ensure that investigations can be adequately supported.

Funding

Base Funding

FY 2012 Enacted				FY 2013 CR				FY 2014 Current Services			
Pos	atty	FTE	\$(000)	Pos	atty	FTE	\$(000)	Pos	atty	FTE	\$(000)
122	79	122	\$28,254	122	79	95	\$28,428	122	79	95	27,891

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2014 Request (\$000)	FY 2015 Net Annualization (change from 2014) (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)
Attorney	\$114	9	\$1,026	\$972	\$0
Professional	\$63	9	\$567	\$396	\$441
Expert Professional	\$94	4	\$376	\$340	\$108
Clerical	\$52	3	\$156	\$120	\$0
Total Personnel	n/a	25	\$2,125	\$1,828	\$549

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2014 Request (\$000)	FY 2015 Net Annualization (change from 2014) (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)
International Case Travel	n/a	n/a	\$55	\$55	\$0
Equipment	n/a	n/a	\$400	\$0	\$0
Total Non-Personnel	n/a	n/a	\$455	\$55	\$0

Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2015 Net Annualization (change from 2014) (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)
Current Services	122	79	95	n/a	n/a	27,891	n/a	n/a
Increases	25	9	14	\$2,125	\$455	\$2,580	\$1,883	\$549
Grand Total	147	88	109	\$2,125	\$455	\$30,471	\$1,883	\$549

Item Name: **Financial and Mortgage Fraud Initiative**

Budget Decision Unit: Enforcing Federal Criminal Laws

Strategic Goal(s) & Objective(s): Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law
Objective 2.4: Combat corruption, economic crimes, and international organized crime

Organizational Program: Criminal Division

Component Ranking of Item: 2 of 3

Program Increase: Positions 28 Atty 16 FTE 14 Dollars \$5,000,000

Description of Item

Losses in financial fraud cases have ranged from millions of dollars to billions of dollars and have resulted in thousands of workers losing their jobs. Mortgage fraud and foreclosure rescue scams routinely involve millions of dollars in losses and multiple defendants, including mortgage brokers, real estate agents, appraisers, closing agents, and false buyers and sellers who receive kickbacks. It is imperative that the Department enforce the laws that protect the integrity of our financial system.

Without the commitment of additional resources, the Department's expanding fraud caseload will outstrip its ability to handle such matters effectively and efficiently. To that end, the FY 2013 President's Budget includes a program enhancement of 28 positions (including 16 attorneys) and \$5,000,000 for the Criminal Division. These resources will enable the Department to hold accountable criminals who perpetrate financial and mortgage fraud, deter future perpetrators of fraud, and recover monies stolen from the U.S. taxpayer.

Justification

The Criminal Division will use its requested 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.

Financial Institution and Mortgage Fraud

As a result of the financial crisis, a new spotlight has been placed on the importance of prosecuting and deterring mortgage fraud, which injures numerous homeowner victims and prospective home buyers, threatens the financial integrity of banks and financial services firms, and creates risks in the financial system.

The Criminal Division continues to investigate and prosecute numerous mortgage fraud cases across the country, including complex, multi-district mortgage fraud schemes. These cases require significant prosecutorial resources. They are document intensive and multi-jurisdictional. They involve sophisticated techniques used to conceal fraudulent schemes designed to obtain financing. In one case handled by the Criminal Division, 27 individuals have pled guilty and 11 more have been charged, as of January 2013, in a massive six-year mortgage fraud scheme in which conspirators fraudulently gained control of condominium homeowners' associations ("HOA") in the Las Vegas area, so that the HOAs would direct business to a certain law firm and construction company. In another case, Criminal Division prosecutors obtained four guilty pleas in October 2012 relating to a \$27 million scheme perpetrated by executives of American Mortgage Specialists, Inc. ("AMS"), a Phoenix corporation, to defraud BNC National Bank in North Dakota by, among other things, obtaining funds provided by the Bank through a lending arrangement and then falsely reporting to the Bank the value of AMS's secondary mortgage loan sales. In yet another case prosecuted in 2012, the Criminal Division obtained the guilty plea of a former executive at Lender Processing Services, Inc. ("LPS"), for her role in directing LPS's predecessor company to forge and falsify mortgage-related documents to increase the company's production volume, which generated approximately \$60 million in revenues for the company. LPS also entered into a corporate resolution with the Criminal Division and agreed to monetary penalties and forfeiture totaling \$35 million. In addition to its case work, the Criminal Division continues to play a significant role in the inter-agency Residential Mortgage Backed Securities Working Group, which was formed in 2012. To maintain and increase its response to the pervasive use of sophisticated schemes to exploit the mortgage lending market and be a full partner to other agencies, the Criminal Division will need additional prosecutorial resources.

Corporate Fraud

The Criminal Division is conducting complex corporate fraud investigations involving financial services firms impacting the integrity of the financial system. These cases are challenging: they require experienced white collar prosecutors, sophisticated agents and forensic financial accountants, and the support of an experienced paralegal staff to manage the vast inflow of electronic records. Moreover, corporate executives have become increasingly sophisticated in concealing and limiting their communications to make it harder for prosecutors to find incriminating evidence of their misdeeds. This only increases the need for greater electronic forensic analysis of email and phone records. The need for increased resources is highlighted by several recent corporate resolutions involving the Criminal Division, which required the resources of numerous Criminal Division prosecutors. In 2012 and early 2013, the Criminal Division entered into corporate resolutions with Barclays Bank, the Royal Bank of Scotland ("RBS"), and UBS AG, and also entered into guilty pleas with the Japanese subsidiaries of RBS and UBS, for their roles in the global manipulation of reported benchmark interest rates. These resolutions collectively involved the imposition of over \$800 million in monetary penalties and criminal fines. If the Criminal Division is to continue to effectively prosecute corporate fraud in the financial system, it will require increased prosecutorial and paralegal resources.

Sophisticated Investment Frauds

The Criminal Division is investigating and prosecuting large investment fraud schemes (sometimes known as "Ponzi" schemes) that result in injuries to thousands of innocent,

vulnerable investors. Often times, investors are robbed of their life savings in schemes that result in hundreds of millions of dollars in investor losses. These investment fraud schemes are increasingly sophisticated, relying on the use of sham partnerships, corporations and investment vehicles. In addition, these schemes are nationwide and even transnational. In 2012, for example, the Criminal Division obtained the convictions of Robert Allen Stanford and three other individuals for their roles in a massive multi-billion dollar Ponzi scheme involving the fraudulent sale of certificates of deposit issued by the Stanford International Bank to thousands of investors in the United States, Latin America and elsewhere. The scheme involved significant Criminal Division resources, including the involvement of numerous attorneys and paralegals and the retention of a major consulting firm to assist in the challenging task of forensic accounting for the funds obtained from investors. In order to protect Main Street investors from these financial predators, increased investigative and prosecutorial resources are required.

Resources Needed for Effective Support of Prosecutions

Investigators: In-house investigators are necessary to assist prosecutors in investigating financial and mortgage fraud. These investigators would analyze records and databases, identify illicit patterns of activity, seek additional information on suspicious persons and entities, analyze electronic communications among co-conspirators, assist in obtaining electronic evidence from service providers, and assist in preparing for trial by investigating the backgrounds of defense witnesses. As noted above, mortgage and investment fraud schemes prosecuted by the Division are increasingly complex, involving layers of sham partnerships and corporations, use of multiple accounts, and use of electronic communications between individuals. In-house investigators would be able to assist in analyzing and obtaining such evidence.

Forensic Accountants: A large number of the Division's cases involve the use of bank accounts in the name of shell entities that are set up to purposely evade law enforcement and launder funds. As such, the work of forensic accountants is critical in investigating the illicit flow of funds because of the complexity of the financial transactions. Corporate accounting fraud cases also require forensic accountants to analyze the books, ledgers and journal entries of a corporation. Presently, because of the Division's overwhelming case load, many cases do not have adequate financial forensic support, causing significant delays in the investigation and prosecution of these cases.

Paralegals: The financial and mortgage fraud cases prosecuted and investigated by the Criminal Division involve significant electronic and physical records produced from numerous sources. Multi-defendant cases also entail complex discovery obligations. Paralegals are a critical component in the effective prosecution of these cases. The work of the prosecutors is heavily dependent on skilled paralegal support, particularly in complying with the ever increasing discovery obligations being imposed on DOJ prosecutors. Paralegals also assist in drafting subpoena requests and requests for evidence from foreign jurisdictions. Thus, increased paralegal staffing is required to support the work of the Division's attorneys.

Clerical Support: For all the reasons stated above, the Division will also require the support of clerical support personnel. These clerical personnel will support attorneys and other staff in the administrative functions of travel, reimbursements, time keeping, correspondence, photocopying, filing, and other routine administrative matters. By employing three additional clerical support positions, attorneys would be able to focus on their case work.

Litigation Support: Given the change in which documents are electronically stored, criminal investigations and prosecutions now involve an overwhelming volume of documents that must be scanned and reviewed, data that must be shared with multiple agencies, and the use of expert witnesses and consultants to support the government's efforts. As the Division takes on more investigations and cases, the Division has to expend resources on contracts that far surpass average case costs. To support the requested attorney and support positions and for this initiative to be successful, the Division must also receive additional litigation support resources.

Impact on Performance (Relationship of Increase to Strategic Goals and Priority Goals)

These requested resources will directly support the Department's Strategic Goal 2: *Prevent crime, protect the rights of the American people, and enforce federal law*; Strategic Objective 2.4: *Combat corruption, economic crimes, and international organized crime*.

By expanding the Division's ability to target mortgage fraud, corporate fraud, and sophisticated investment fraud, the Division will be able to capitalize on its unique expertise and ability. The U.S. Attorneys' Offices and all law enforcement agencies will also benefit from the funding of this request, because they rely on the Criminal Division's expertise and support, particularly in multi-district and transnational financial crime cases. For example, in the HOA mortgage fraud case referenced above, the Criminal Division continues to play a leading role in the ongoing investigation and is a partner to national and local law enforcement agencies in that case. The Criminal Division also is increasingly asked by other agencies to play a leading role in the prosecution of complex multi-district and transnational investment fraud investigations, and additional resources are needed to fulfill that leadership role. We anticipate that this additional funding will enable the Division to continue and enhance these important partnerships to the benefit of the entire nation.

Funding

Base Funding

FY 2012 Enacted				FY 2013 CR				FY 2014 Current Services			
Pos	atty	FTE	\$(000)	Pos	atty	FTE	\$(000)	Pos	atty	FTE	\$(000)
268	178	264	\$63,636	268	178	230	\$64,025	268	178	230	\$62,814

Personnel Reduction Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Reduced	FY 2014 Request (\$000)	FY 2015 Net Annualization (change from 2014) (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)
Attorney	\$114	16	\$1,824	\$1,728	\$0
Professional	\$63	9	\$567	\$396	\$441
Clerical	\$52	3	\$156	\$120	\$0
Total Personnel	n/a	28	\$2,547	\$2,244	\$441

Non-Personnel Reduction Cost Summary

Non-Personnel Item	Unit	Quantity	FY 2014 Request (\$000)	FY 2015 Net Annualization (change from 2014) (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)
Litigation Support	n/a	n/a	\$2,453	\$2,453	\$0
Total Non-Personnel	n/a	n/a	\$2,453	\$2,453	\$0

Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2015 Net Annualization (change from 2014) (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)
Current Services	268	178	230	n/a	n/a	\$62,814	n/a	n/a
Increases	28	16	14	\$2,547	2,453	\$5,000	\$4,697	\$441
Grand Total	296	194	244	\$2,547	\$2,453	\$67,814	\$4,697	\$441

Item Name: **Intellectual Property Enforcement**

Budget Decision Unit: Enforcing Federal Criminal Laws

Strategic Goal(s) & Objective(s): Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law
Objective 2.4: Combat corruption, economic crimes, and international organized crime

Organizational Program: Criminal Division

Component Ranking of Item: 3 of 3

Program Increase: Positions 11 Atty 7 FTE 6 Dollars \$3,500,000

Description of Item

The Criminal Division requests an enhancement of 11 positions (including 7 attorneys), 6 FTE, and \$3,500,000 to place four DOJ Attachés overseas to fight transnational crime, with particular emphasis on intellectual property crime. These DOJ Attachés will serve as regional International Computer Hacking and Intellectual Property coordinators (ICHIPs) and will be well positioned to combat the increasing threat of transnational intellectual property crime. The Criminal Division also requests that a portion of this enhancement be used to increase the capacity of the Division's domestic IP program to provide critical support to the ICHIP/Attachés and ensure the coordinated use of ICHIP resources overseas.

Justification

Protecting intellectual property rights is essential to safeguarding confidence in our economy, creating economic growth, and ensuring integrity, fairness, and competitiveness in the global marketplace. In today's environment, however, where virtually every significant intellectual property crime investigated and prosecuted in the United States has an international component, it is impossible to address intellectual property crime adequately without significant and strong international engagement.

The Department of Justice has long recognized that intellectual property crime, including offenses involving copyright, trademarks and trade secrets, among others, not only has a significant international component but in many cases also has a substantial overlap with other economic crimes, including those related to cyber offenses, money laundering and tax evasion, and smuggling. Because the vast majority of intellectual property and other computer crimes originate in other countries, the Department has made its efforts to strengthen international law enforcement relationships a top priority.

The Department has collaborated with other U.S. agencies and foreign law enforcement counterparts to address international intellectual property crime through a combination of joint criminal enforcement operations, case referrals for foreign investigations and prosecutions, training and technical assistance programs for foreign law enforcement, judiciary, and

legislators, and engagement in bilateral and multi-lateral working groups that address trademark counterfeiting and copyright piracy.

The Department has also worked vigorously to develop international methods to address cybercrime through cooperative case work, rapid information sharing, and long-term engagement to train law enforcement and improve legal regimes to respond to the threat of Internet-based crime and the proliferation of electronic evidence in a wide range of offenses.

Instances of international intellectual property crime may be addressed effectively by direct contact between prosecutors and investigators on specific cases. However, to address systemic and pervasive international intellectual property crime effectively, greater and more sustained engagement is essential. For example, since 2006, through the Department's Intellectual Property Law Enforcement Coordinator (IPLEC) Program, the Department has deployed experienced federal prosecutors overseas to take the lead on our intellectual property protection efforts in key regions including Asia and, until March 2011 (when State Department funding expired), Eastern Europe. Through the IPLEC program, the Department has seen a substantial increase in foreign enforcement and cooperative casework where U.S. law enforcement has had a visible and ongoing presence in the most active countries or regions. This enhancement request would allow for the expansion of the program to additional critical regions and also cover the rapidly developing and overlapping area of international cybercrime.

ICHIPs/Attachés

The Criminal Division has identified four important areas (in order of priority) for the placement of International Computer Hacking and Intellectual Property (ICHIP) Attachés. The cross-designation of these positions as ICHIPs/DOJ Attachés is critical to the success of the Department's overseas law enforcement mission. The effectiveness of cross-designating the current Asia IPLEC/Attaché position is well-documented and gives operational advantages not necessarily available to ICHIPs who do not also possess the DOJ Attaché designation. For example, a DOJ Attaché has greater access to case files and resources because they are not perceived as doing intellectual property work exclusively; ICHIPs, by contrast, can be marginalized by foreign law enforcement if they are thought of as limited to one area of expertise. Since intellectual property crime often intersects with other types of cases, like international organized crime, the designation of these new positions as solely ICHIPs will hinder their effectiveness in fighting the intellectual property crime threat.

The Division plans to hire attorneys with a strong background in criminal prosecution who are capable of and invested in focusing on the intellectual property crime threat in these regions. This approach will help ensure that the bulk of the ICHIP/Attachés' time and effort will contribute to the Department's efforts against intellectual property and cybercrime.

All foreign placements would be subject to approval of the State Department and individual embassies or consulates. Since conditions in these regions could change, countries in these regions will remain under review and the Division (in consultation with the State Department and the White House's Intellectual Property Enforcement Coordinator) will make a final determination regarding the locations in all four regions if these resources are funded.

China: China continues to be the largest source of trademark counterfeiting and copyright piracy in the world and bears a direct or indirect relationship to the majority of economic espionage and federal trade secret prosecutions in the United States. The Department has met with some success in developing joint investigations through the Intellectual Property Criminal Enforcement Working Group (IPCEWG) of the U.S.-China Joint Liaison Group for Law Enforcement Cooperation. However, an ongoing presence in the country will move existing cases at a faster pace and greatly increase the ability to address new investigations and leads in a timely manner.

Eastern Europe: There is a large amount of intellectual property and cybercrime in Eastern Europe. Romania would serve as strong base of operations for Eastern Europe because of the significant intellectual property and cybercrime activity within the country and because of the close relationship that exists with Romanian law enforcement. This position would build upon the strong foundation created by the State Department-funded IPLEC who was posted in Sofia, Bulgaria until March 2011.

Latin America: South America has a tremendously high concentration of countries facing serious intellectual property challenges. The 2012 U.S. Trade Representative's (USTR) *Special 301 Report* included Argentina, Chile and Venezuela on the *Priority Watch List*; Bolivia, Brazil, Colombia, Ecuador, and Peru on the *Watch List*, and Paraguay subject to monitoring pursuant to Section 306. Likewise, there is extensive cybercrime in the region. However, there is also strong interest from many governments in the region to improve enforcement efforts and electronic evidence collection. Numerous Latin American countries, for example, have indicated interest in becoming Parties to the Budapest Convention on Cybercrime and in receiving practical enforcement assistance from the U.S. An ICHIP/Attaché placed in Brazil or Argentina, for example, would be well positioned to guide the development of regional coordination of intellectual property and cybercrime enforcement efforts. The ICHIP/Attaché would also provide a link between affected U.S. companies and law enforcement officials responsible for intellectual property and cyber enforcement in the region.

South Asia: The violation of intellectual property rights, particularly counterfeiting and copyright piracy, are ongoing problems in a number of South Asian countries. India and Pakistan have each been listed on the USTR *Special 301 Priority Watch List* for several years, and, after China, are two of the largest sources of manufacture for counterfeit and unauthorized pharmaceuticals. The U.S. has invested in training law enforcement officials in Pakistan and investigators, prosecutors, and judges in India to improve the protection of intellectual property rights. Additionally, South Asia has a burgeoning information technology industry and an increasingly electronically-sophisticated populace. Growing cyber threats and terrorism investigations in that region require enhanced law enforcement relationships and training to increase investigations, as well as cooperation in those investigations, that rely heavily on electronic evidence. A regional ICHIP/Attaché, most likely stationed at the U.S. Embassy in India, would substantially improve the opportunities to build on the foundation of training and develop joint cases.

Domestic Intellectual Property Program Support for ICHIP/Attachés

With the potential implementation of the ICHIP/Attaché program, there will be substantial need for support within the U.S., including attorneys, professional staff, and a cybercrime analyst.

Attorneys: Additional attorneys positioned at Criminal Division headquarters are necessary to meet the demands posed by increased international capacity and to ensure that ICHIP/Attaché resources are effectively used, managed, and supported. The Division's Computer Crime and Intellectual Property Section (CCIPS) provides subject matter expertise on computer and intellectual property crimes, manages the domestic Computer Hacking and Intellectual Property (CHIP) program, and has assisted in and overseen aspects of the prior IPLECs' responsibilities. CCIPS is also the Department's liaison to the National Intellectual Property Coordination Center ("IPR Center") and its 20 domestic and international partner agencies. Likewise, the Criminal Division's Office of International Affairs (OIA) oversees the Department's Attaché program and coordinates the extradition or other legal return of international fugitives and all international evidence-gathering. Attorneys in each office will ensure that foreign leads are provided and followed by U.S. investigative agencies, and that appropriate cases are pursued within the U.S. to provide deterrence to foreign criminals and criminal organizations. Such attorneys will also provide legal support in the Northern District of California to address the overwhelming flow of legal process and evidentiary requests in intellectual property and cybercrime cases that are addressed to Silicon Valley companies.

Professional Staff: Additional professional staff is necessary to ensure the smooth administration of hiring, retention, and support of the ICHIP/Attaché program.

Cybercrime Analyst: In recent years, there has been a rapidly increasing demand for technical training by the CCIPS Cybercrime Lab by foreign countries seeking to develop expertise in cyber forensics and computer crime. The proposed additional cybercrime analyst will allow CCIPS to greatly increase the amount of training provided, while directly supporting foreign investigations.

This enhancement also requests individual travel and programming budgets to be administered by the ICHIPs within their regions as well as additional travel, litigation support, and domestic training resources that will be used to increase the capacity and effectiveness of the overall intellectual property program.

Impact on Performance (Relationship of Increase to Strategic Goals and Priority Goals):

These requested resources will directly support the Department's Strategic Goal 2: *Prevent crime, protect the rights of the American people, and enforce federal law*; Strategic Objective 2.4: *Combat corruption, economic crimes, and international organized crime*. In particular, they will allow the U.S. Government to:

- Develop the capacity of nations in several important regions to combat intellectual property and computer crimes;
- Increase the number and scope of cooperative international prosecutions targeting high-tech and intellectual property crimes;
- Increase coordination of international cases involving computer crimes, intellectual property crimes, and digital evidence;

- Build upon the successful integration of intellectual property and cybercrime expertise that currently exists in the domestic Computer Hacking and Intellectual Property (CHIP) Network;
- Replace the IPLEC for Eastern Europe, which will no longer be funded by the State Department; and
- Strengthen the DOJ Attaché program's ability to address transnational organized crime.

Funding

Base Funding

FY 2012 Enacted				FY 2013 CR				FY 2014 Current Services			
Pos	atty	FTE	\$(000)	Pos	atty	FTE	\$(000)	Pos	atty	FTE	\$(000)
20	17	20	\$4,712	22	18	18	\$5,179	22	18	21	\$5,081

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2014 Request (\$000)	FY 2015 Net Annualization (change from 2014) (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)
Foreign Attorney	\$475	4	\$1,900	\$704	\$0
Attorney	\$114	3	\$342	\$324	\$0
Professional	\$63	4	\$252	\$176	\$196
Total Personnel	n/a	11	\$2,494	\$1,204	\$196

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2014 Request (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)	FY 2016 Net Annualization (Change from 2015) (\$000)
FSN	\$59	4	\$236	\$0	\$0
Travel	n/a	n/a	\$259	\$259	\$0
Training	n/a	n/a	\$511	\$511	\$0
Total Non-Personnel	n/a	n/a	1,006	\$770	\$0

Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)	FY 2016 Net Annualization (Change from 2015) (\$000)
Current Services	22	18	21	n/a	n/a	\$5,081	n/a	n/a

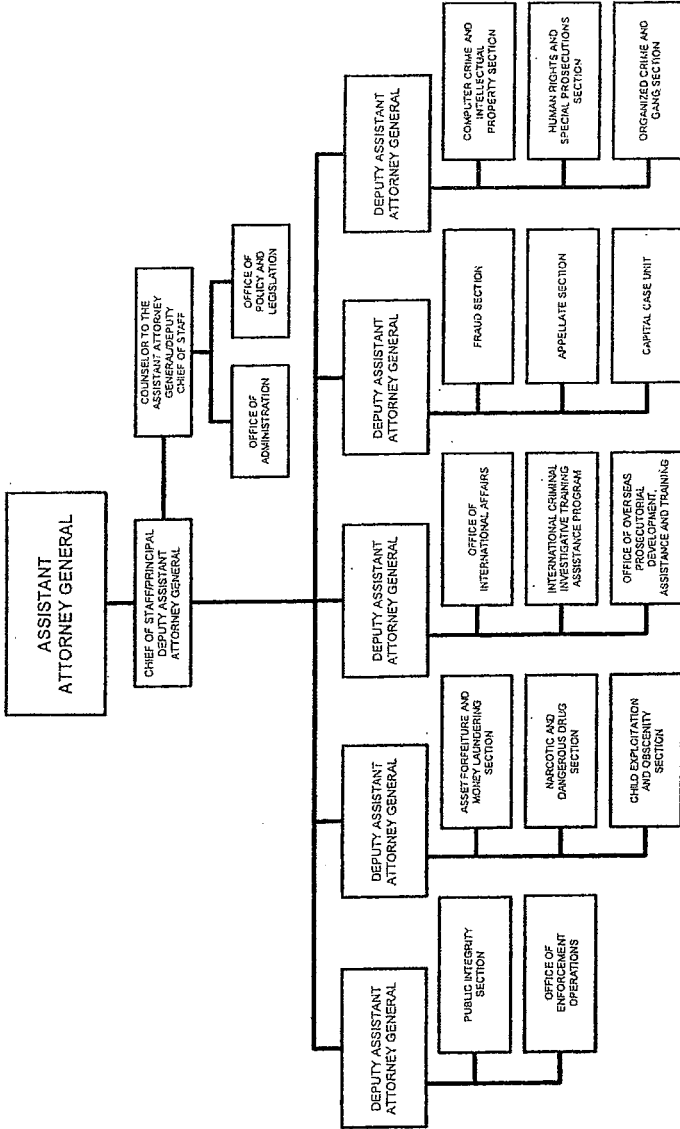
Increases	11	7	6	\$2,494	\$1,006	\$3,500	\$1,974	\$196
Grand Total	33	25	27	\$2,494	\$1,006	\$8,581	\$1,974	\$196


VI. Program Offsets by Item – N/A

VII. Exhibits – Please see attached

A. Organizational Chart

CRIMINAL DIVISION



Approved by:  Date: 10/04/10
 ERIC H. HOLDER, JR.
 Attorney General

B. Summary Juruments

Summary of Requirements
 Criminal Division
 Salaries and Expenses
 (Dollars in Thousands)

	Direct Pos.	FY 2014 Request Estimate FTE	Amount
2012 Enacted	751	748	174,000
2013 Continuing Resolution			
2013 CR 0.612% Increase			1,065
Total 2013 Continuing Resolution	751	670	175,065
Technical Adjustments			
Adjustment - 2013 CR 0.612%	0	0	-1,065
Total Technical Adjustments	0	0	-1,065
Base Adjustments			
Transfers:			
Transfers - JCON and JCON STS	0	0	894
Transfers - Office of Information Policy (OIP)	0	0	-154
Transfers - Office of Tribal Justice (OTJ)	-1	-1	-336
Transfers - Professional Responsibility Advisory Office (PRAO)	0	0	-174
Pay and Benefits	0	0	1,225
Domestic Rent and Facilities	0	0	-1,319
Foreign Expenses	0	0	-2,517
Total Base Adjustments	-1	-1	-2,881
Total Technical and Base Adjustments	750	669	171,419
2014 Current Services			
Program Changes			
Increases:			
Cyber Security	25	14	2,580
Financial and Mortgage Fraud	28	14	5,000
Intellectual Property	11	6	3,500
Subtotal, Increases	64	34	11,080
Total Program Changes	64	34	11,080
2014 Total Request	814	703	182,499
2012 - 2014 Total Change	63	-45	8,499

Note: The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

B. Summary of Requirements

Summary of Requirements
Criminal Division
Salaries and Expenses
(Dollars in Thousands)

Program Activity	2012 Appropriation Enacted			2013 Continuing Resolution *			2014 Technical and Base Adjustments			2014 Current Services		
	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Enforcing Federal Criminal Laws	751	686	174,000	751	670	175,065	-1	-1	-3,646	750	669	171,419
Total Direct	751	686	174,000	751	670	175,065	-1	-1	-3,646	750	669	171,419
Balance Rescission			0			0			0			0
Total Direct with Rescission			174,000			175,065			-3,646			171,419
Reimbursable FTE		268			282				0		282	
Total Direct and Reimb. FTE		954			952				-1		951	
Other FTE:												
LEAP		0			0				0		0	
Overtime		121			121				0		121	
Grand Total, FTE		954			952				-1		951	

Program Activity	2014 Increases			2014 Offsets			2014 Request		
	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Enforcing Federal Criminal Laws	64	34	11,080	0	0	0	814	703	182,499
Total Direct	64	34	11,080	0	0	0	814	703	182,499
Balance Rescission			0			0			0
Total Direct with Rescission			11,080			0			182,499
Reimbursable FTE		34			0				985
Total Direct and Reimb. FTE									0
Other FTE:									
LEAP		0			0				0
Overtime		0			0				121
Grand Total, FTE		34			0			985	

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101(c)).

FY 2014 Program Increases/Offsets by Decision Unit
Criminal Division
Salaries and Expenses
(Dollars in Thousands)

Program Increases	Location of Description by Program Activity	Enforcing Federal Criminal Laws				Total Increases			
		Direct Pos.	Agt./ Atty.	Est. FTE	Amount	Direct Pos.	Agt./ Atty.	Est. FTE	Amount
Cyber Security	Enforcing Federal Criminal Laws	25	9	14	2,580	25	9	14	2,580
Financial and Mortgage Fraud	Enforcing Federal Criminal Laws	28	16	14	5,000	28	16	14	5,000
Intellectual Property	Enforcing Federal Criminal Laws	11	7	6	3,500	11	7	6	3,500
Total Program Increases		64	32	34	11,080	64	32	34	11,080

D. Resources by DOJ Strategic Goal and Strategic Objective

Resources by Department of Justice Strategic Goal/Objective

Criminal Division
Salaries and Expenses
(Dollars in Thousands)

Strategic Goal and Strategic Objective	2012 Appropriation Enacted			2013 Continuing Resolution *			2014 Current Services			2014 Increases			2014 Offsets			2014 Total Request		
	Direct/ Reimb FTE	Direct Amount	Reimb Amount	Direct FTE	Reimb Amount	Direct FTE	Direct Amount	Reimb Amount	Direct FTE	Direct Amount	Reimb Amount	Direct FTE	Direct Amount	Reimb Amount	Direct FTE	Direct Amount	Reimb Amount	Direct FTE
Goal 1 Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law																		
1.1 Prevent, disrupt, and defeat terrorist operations before they occur.	50	8,334	48	6,401	45	6,267	0	0	0	0	0	0	0	0	0	46	6,267	0
1.2 Prosecute those involved in terrorist acts.	133	18,543	28	7,043	28	8,805	3	454	0	0	0	0	0	0	0	31	7,359	0
Subtotal, Goal 1	183	26,877	76	13,444	73	15,072	3	454	0	0	0	0	0	0	0	77	13,626	0
Goal 2 Physical Crime, Protect the Rights of the American People, and enforce Federal Law																		
2.1 Combat the threat, incidence, and prevalence of violent crime.	138	27,130	147	30,815	147	30,159	0	0	0	0	0	0	0	0	0	147	30,159	0
2.2 Prevent and intervene in crimes against vulnerable of violent crime.	67	15,908	86	20,639	86	20,265	0	0	0	0	0	0	0	0	0	25	20,265	0
2.3 Combat the threat, trafficking, and use of illegal drugs and the div	222	38,536	208	35,920	207	35,178	0	0	0	0	0	0	0	0	0	207	35,178	0
2.4 Combat corruption, economic crimes, and international organized crime.	365	70,768	360	65,298	350	64,936	31	10,616	0	0	0	0	0	0	0	381	75,552	0
2.5 Promote and protect Americans' civil rights	29	1,117	8	1,069	6	1,046	0	0	0	0	0	0	0	0	0	8	1,046	0
Subtotal, Goal 2	821	154,457	803	154,741	808	151,522	31	10,616	0	0	0	0	0	0	0	839	162,138	0
Goal 3 Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal and International Levels.																		
3.1 Promote and strengthen relationship and strategies for the administration of justice with state, local, tribal and international law enforcement.	0	0	0	60	6,875	69	6,725	0	0	0	0	0	0	0	0	69	6,725	0
Subtotal, Goal 3	0	0	0	69	6,875	69	6,725	0	0	0	0	0	0	0	0	69	6,725	0
TOTAL	364	174,000	942	175,065	951	171,419	34	11,080	0	0	0	0	0	0	0	985	182,499	0

Note: Excludes Balance Recession and/or Supplemental Appropriations.

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

Justifications for Technical and Base Adjustments

Criminal Division
Salaries and Expenses
(Dollars in Thousands)

Technical Adjustments	Direct Pos.	Estimate FTE	Amount
1 Adjustment - 2013 CR 0.612%. PL 112-175 section 101 (c) provided 0.612% across the board increase above the current rate for the 2013 CR funding level. This adjustment reverses this increase.	0	0	-1,065
Transfers			
1 Transfer of JCON and JCON STTS to the Criminal Division. A transfer of \$694,000 to the Criminal Division is included in support of the Department's Justice Consolidated Office Network (JCON) and JCON STTS programs which, will be moved to the Working Capital Fund and provided as a billable service in FY 2013.	0	0	694
2 Transfer to Office of Information Policy (OIP). The component transfers for the Office of Information Policy (OIP) into the General Administration appropriation will centralize appropriated funding and eliminate the current reimbursable financing process. The centralization of the funding is administratively advantageous because it eliminates the paper-intensive reimbursement process. The FY 2013 transfer amounts for OIP are based on the FY 2010 actual costs plus standard inflation per year (the average increase over the past three years) to bridge to FY 2013 amounts. The amount per component is based on the average percentage of total costs paid by that component since 2007.	0	0	-154
3 Transfer to Office of Tribal Justice (OTJ). This request transfers 1 attorney position, 1 FTE, and \$336,000 from the Criminal Division to the Office of Tribal Justice. These funds will be transferred to the General Administration appropriation based on Department guidance.	-1	-1	-336
4 Transfer to Professional Responsibility Advisory Office (PRAO). The component transfers for the Professional Responsibility Advisory Office (PRAO) into the General Administration appropriation will centralize appropriated funding and eliminate the current reimbursable financing process. The centralization of the funding is administratively advantageous because it eliminates the paper-intensive reimbursement process. The FY 2013 transfer amounts for PRAO are based on the FY 2010 actual costs plus standard inflation per year (the average increase over the past three years) to bridge to FY 2013 amounts. The amount per component is based on the average percentage of total costs paid by that component since 2007.	0	0	-174
Subtotal, Transfers	-1	-1	30
Pay and Benefits			
1 2014 Pay Raise. This request provides for a proposed 1 percent pay raise to be effective in January of 2014. The amount request, \$920,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$907,000 for pay and \$213,000 for benefits.)			820
2 Annualization of 2013 Pay Raise. This pay annualization represents first quarter amounts (October through December) of the 2013 pay increase of 0.5% included in the 2013 President's Budget. The amount requested \$142,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$105,000 for pay and \$37,000 for benefits).			142
3 Employee Compensation Fund. The \$17,000 request reflects anticipated changes in payments to the Department of Labor for injury benefits under the Federal Employee Compensation Act.			17

E. Justification for Technical and Base Adjustments

Justifications for Technical and Base Adjustments

Criminal Division
Salaries and Expenses
(Dollars in Thousands)

	Direct Pos.	Estimate FTE	Amount
<p>4 Health Insurance: Effective January 2014, the component's contribution to Federal employees' health insurance increases by XX percent. Applied against the 2013 estimate of \$4,737,000, the additional amount required is \$129,000.</p> <p>5 Retirement: Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 1.3 percent per year. The requested increase of \$117,000 is necessary to meet our increased retirement obligations as a result of this conversion.</p>			129
Domestic Rent and Facilities	0	0	117
1 General Services Administration (GSA) Rent: GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested decrease of \$948,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of an automated system, which uses the latest inventory data, including rate increases to be effective FY 2014 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied. GSA provides data on the rate decrease.			-948
2 Guard Services: This includes Department of Homeland Security (DHS) Federal Protective Service charges, Justice Protective Service charges and other security services across the country. The requested decrease of \$371,000 is required to meet these commitments.			-371
Subtotal, Domestic Rent and Facilities	0	0	-1,319
Foreign Expenses			
1 Education Allowance: For employees stationed abroad, components are obligated to meet the educational expenses incurred by an employee in providing adequate elementary (grades K-8) and secondary (grades 9-12) education for dependent children at post. \$46,000 reflects the decrease in cost to support existing staffing levels.			-46
2 International Cooperative Administrative Support Services (ICASS): Under the ICASS, an annual charge is made by the Department of State for administrative support based on the overseas staff of each federal agency. This request is based on the projected FY 2013 bill for post invoices and other ICASS costs.			
3 Post Allowance - Cost of Living Allowance (COLA): For employees stationed abroad, components are obligated to pay for their COLA. COLA is intended to reimburse certain excess costs and to compensate the employee for serving at a post where the cost of living, excluding the cost of quarters and the cost of education for eligible family members, is substantially higher than in the Washington, D.C. area. \$104,000 reflects the increase in cost to support existing staffing levels.			2,030
Subtotal, Foreign Expenses			104

Justifications for Technical and Base Adjustments

Criminal Division
Salaries and Expenses
(Dollars in Thousands)

	Direct Pos.	Estimate FTE	Amount
<p>4 Overseas Capital Security Cost Sharing (CSCS):</p> <p>The Department of State (DOS) is in the midst of a multi-year capital security construction program, with a plan to build and maintain new diplomatic and consular compounds that meet security requirements set by the Secure Embassies Construction Act. As authorized by P.L. 108-447 and subsequent acts, all agencies with personnel overseas subject to chief of mission authority... shall participate and provide funding in advance for their share of costs of providing new, safe, secure U.S. diplomatic facilities, without offsets, on the basis of the total overseas presence of each agency as determined by the Secretary of State. Originally authorized for FY2000-2004, the program has been extended annually by OMB and Congress and has also been expanded beyond new embassy construction to include maintenance and renovation costs of the new facilities also. For the purpose of this program, DOS's personnel totals for DOJ include current and projected staffing. The estimated cost to the Department, as provided by DOS, for FY 2014 is \$79,069,370. The Criminal Division currently has 14 positions overseas, and a funding decrease of \$4,605,000 is requested for this account.</p>	0	0	-4,605
Subtotal, Foreign Expenses	-1	-1	-2,517
TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS			-3,646

F. Crosswalk of 2012 Availability

Crosswalk of 2012 Availability
Criminal Division
Salaries and Expenses
(Dollars in Thousands)

Program Activity	2012 Appropriation Enacted w/o Balance Rescission				Balance Rescission			Reprogramming/Transfers			Carryover		Recoveries/ Refunds		2012 Availability		
	Direct Pos.	Actual FTE	Amount		Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Amount		Amount		Direct Pos.	Actual FTE	Amount
Enforcing Federal Criminal Laws	751	686	174,000		0	0	0	0	0	-269	4,367		5		751	686	178,103
Total Direct	751	686	174,000		0	0	0	0	0	-269	4,367		5		751	686	178,103
Reimbursable FTE		268				0			0							268	
Total Direct and Reimb. FTE		954				0			0							954	
Other FTE: LEAP		0				0			0								
Overtime		2				0			0							2	
Grand Total FTE		954				0			0							954	

Reprogramming/Transfers

The Criminal Division reprogrammed FARA unobligated balances of \$269,000 to GLA's ALS account.

Carryover:

Funding includes \$269,000 for FARA, \$297,000 for ALS, \$2,600,00 for Afghanistan training, and \$1,201,000 for Deepwater horizon Fraud Task Force.

Recoveries/Refunds:

Funding includes \$5,000 for ALS.

Crosswalk of 2013 Availability

Criminal Division
Salaries and Expenses
(Dollars in Thousands)

Program Activity	FY 2013 Continuing Resolution			Supplemental Appropriation Amount	Reprogramming/Transfers			Carryover Amount	Recoveries/Refunds Amount	2013 Availability		
	Direct Pos.	Estim. FTE	Amount		Direct Pos.	Estim. FTE	Amount			Direct Pos.	Estim. FTE	Amount
Enforcing Federal Criminal Laws	751	670	175,065	0	0	0	0	424	1	751	670	175,490
Total Direct	751	670	175,065	0	0	0	0	424	1	751	670	175,490
Balance Recission			0									0
Total Direct with Recission			175,065									175,490
Reimbursable FTE		282				0					282	
Total Direct and Reimb. FTE		952				0					952	
Other FTE:												
LEAP		0				0					0	
Overtime		121				0					121	
Grand Total, FTE		952				0					952	

Carryover:

Funding includes \$143,000 for ALS and \$281,000 for Deepwater Horizon Fraud Task Force.

Recoveries/Refunds:

Funding includes \$1,000 for ALS

*The 2013 Continuing Resolution includes the 0.512% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c))

H. Summary of Reimbursable Resources

Summary of Reimbursable Resources
 Criminal Division
 Salaries and Expenses
 (Dollars in Thousands)

Collections by Source	2012 Actual			2013 Planned			2014 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
U.S. Department of State	145	146	147,586	183	149	179,265	183	149	188,200	0	0	8,935
Interagency Crime and Drug Enforcement	13	13	2,072	13	13	2,072	13	13	2,085	0	0	14
Asset Forfeiture Fund	78	72	8,484	97	77	31,808	90	77	34,000	0	0	2,192
All Other Sources	40	37	29,288	57	43	29,109	57	43	34,125	0	0	5,016
Budgetary Resources	276	268	187,440	343	282	242,254	343	282	258,411	0	0	16,157

Obligations by Program Activity	2012 Actual			2013 Planned			2014 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
U.S. Department of State	145	146	147,586	183	149	179,285	183	149	188,200	0	0	8,935
Interagency Crime and Drug Enforcement	13	13	2,072	13	13	2,072	13	13	2,085	0	0	14
Asset Forfeiture Fund	78	72	8,484	97	77	31,808	90	77	34,000	0	0	2,192
All Other Sources	40	37	29,288	57	43	29,109	57	43	34,125	0	0	5,016
Budgetary Resources	276	268	187,440	343	282	242,254	343	282	258,411	0	0	16,157

I. Detail of Positions by Category

Detail of Permanent Positions by Category

Criminal Division
Salaries and Expenses
(Dollars in Thousands)

Category	2012 Appropriation Enacted with Balance Reversions		2013 Continuing Resolution		2014 Request				
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.	ATBs	Program Increases	Program Offsets	Total Direct Pos.	Total Reimb. Pos.
Miscellaneous Operations (010-099)	1	0	1	0	0	0	0	1	0
Security Specialists (080)	20	0	20	0	0	0	0	20	0
Intelligence Series (132)	1	0	1	0	0	0	0	1	0
Personnel Management (200-299)	10	0	10	0	0	0	0	10	0
Clerical and Office Services (300-399)	148	81	148	81	0	0	0	10	0
Accounting and Budget (500-599)	10	35	10	35	0	6	0	154	81
Attorneys (905)	440	195	440	195	-1	4	0	14	35
Paralegals / Other Law (900-998)	90	25	90	25	0	32	0	471	195
Information & Arts (1000-1099)	1	1	1	1	0	12	0	102	25
Business & Industry (1100-1199)	2	0	2	0	0	0	0	2	1
Library (1400-1499)	0	4	0	4	0	0	0	4	0
Forensic Scientist (1301)	0	0	0	0	0	0	0	0	0
Miscellaneous Inspectors Series (1801-1802)	0	0	0	0	0	0	0	0	0
Travel Services (2101)	0	1	0	1	0	3	0	3	0
Information Technology Mgmt. (2210)	24	1	24	1	0	0	0	0	1
Total	751	343	751	343	-1	71	0	31	1
Headquarters (Washington, D.C.)	737	210	737	210	-1	64	0	814	343
Foreign Field	14	133	14	133	0	60	0	796	210
Total	751	343	751	343	-1	64	0	18	133
								814	343

J. Financial Analysis of Program Changes

Financial Analysis of Program Changes
Criminal Division
Salaries and Expenses
(Dollars in Thousands)

Grades	Enforcing Federal Criminal Laws						Total Program Changes		
	Cyber Security		Financial and Mortgage Fraud		Intellectual Property		Direct Pos.		Amount
	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount	Amount
GS-14	9	1,372	16	2,439	7	1,530	32	5,341	
GS-13	4	517	0	0	0	0	4	517	
GS-9	9	602	9	602	4	267	22	1,471	
GS-7	3	165	3	165	0	0	6	330	
Total Positions and Annual Amount	25	2,656	28	3,205	11	1,797	64	7,659	
Lapse (-)	-11	-1,328	-14	-1,603	-5	-898	-30	-3,829	
11.5 Other Personnel Compensation		0		0		0		86	
Total PTEs and Personnel Compensation	14	1,328	14	1,603	6	985	34	3,918	
13.0 Benefits for former personnel		0		0		0		0	
21.0 Travel and Transportation of Persons		114		101		298		513	
22.0 Transportation of Things		24		27		11		62	
23.1 Rental Payments to GSA		0		0		0		0	
23.3 Communications, Utilities, and Miscellaneous Charges		64		72		163		299	
24.0 Printing and Reproduction		3		3		1		7	
25.0 Advisory and Assistance Services		0		0		0		0	
25.1 Other Services from Non-Federal Sources		42		65		867		974	
25.2 Other Goods and Services from Federal Sources		153		2,624		659		3,436	
25.3 Other Medical Care		2		2		38		42	
25.6 Medical Care		0		0		0		0	
25.7 Operation and Maintenance of Equipment		52		59		18		129	
26.0 Supplies and Materials		798		444		405		1,547	
31.0 Equipment		0		0		55		55	
31.0 Buildout		0		0		0		0	
Total Program Change Requests	14	2,680	14	5,000	6	3,500	34	11,080	

Summary of Requirements by Grade
Criminal Division
Salaries and Expenses
(Dollars in Thousands)

Grades and Salary Ranges		2012 Enacted		2013 Continuing Resolution		2014 Request		Increase/Decrease	
		Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount
EX	\$ 145,700 - 199,700	1	133	1	133	1	135	0	1
SES/SL	\$ 119,554 - 179,700	44	6,582	44	6,615	44	6,681	0	66
GS-15	\$ 123,758 - 155,500	396	55,282	396	55,558	395	55,969	-1	411
GS-14	\$ 105,211 - 136,771	58	7,018	58	7,053	90	11,053	32	4,000
GS-13	\$ 89,033 - 115,742	55	5,632	55	5,660	59	6,132	4	472
GS-12	\$ 74,872 - 97,333	41	3,530	41	3,548	41	3,583	0	35
GS-11	\$ 62,467 - 81,204	55	3,949	55	3,969	55	4,008	0	39
GS-10	\$ 56,857 - 73,917	0	0	0	0	0	0	0	0
GS-9	\$ 51,630 - 67,114	45	2,669	45	2,682	67	4,033	22	1,351
GS-8	\$ 46,745 - 60,765	20	1,076	20	1,081	20	1,092	0	11
GS-7	\$ 42,209 - 54,875	21	1,019	21	1,024	27	1,329	6	306
GS-6	\$ 37,983 - 49,375	7	306	7	307	7	310	0	3
GS-5	\$ 37,075 - 44,293	4	163	4	164	4	165	0	2
GS-4	\$ 30,456 - 39,590	4	140	4	141	4	142	0	1
Total, Appropriated Positions		751	87,498	751	87,935	814	94,634	63	6,699
Average SES Salary			149,627		149,627		149,627		
Average GS Salary			112,972		112,972		113,070		
Average GS Grade			13		13		13		

L - Summary of Requirements by Object Class

Summary of Requirements by Object Class

Criminal Division
Salaries and Expenses
(Dollars in Thousands)

Object Class	2012 Actual		2013 Availability*		2014 Request		Increase/Decrease	
	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 Full-Time Permanent	617	76,751	603	79,086	536	81,622	33	2,566
11.3 Other than Full-Time Permanent	69	6,432	67	6,700	67	6,702	0	2
11.5 Other Personnel Compensation	0	1,188	0	1,250	0	1,336	0	86
Overtime	[2]	0	[2]	0	[2]	0	[2]	0
Other Compensation	0	0	0	0	0	0	0	0
11.8 Special Personal Services Payments	0	1,858	0	1,900	0	1,900	0	0
Total	686	86,229	670	90,906	703	93,560	33	2,654
Other Object Classes								
12.0 Personnel Benefits	23,957	23,390				24,592		1,202
13.0 Benefits for former personnel	18	50				50		0
21.0 Travel and Transportation of Persons	4,008	4,515				5,029		514
22.0 Transportation of Things	1,468	1,124				1,196		62
23.1 Rental Payments to GSA	25,393	26,187				25,254		-943
23.2 Rental Payments to Others	1,531	1,700				1,700		0
23.3 Communications, Utilities, and Miscellaneous Charges	3,475	3,500				3,800		300
24.0 Printing and Reproduction	83	134				141		7
25.1 Advisory and Assistance Services	2,753	5,110				5,111		1
25.2 Other Services from Non-Federal Sources	11,500	13,877				14,709		832
25.3 Other Goods and Services from Federal Sources	8,903	1,500				2,007		507
25.4 Operation and Maintenance of Facilities	0	0				0		0
25.5 Research and Development Contracts	0	0				0		0
25.6 Medical Care	86	91				133		42
25.7 Operation and Maintenance of Equipment	195	200				200		0
25.8 Subsistence and Support of Persons	1,001	1,196				1,325		129
26.0 Supplies and Materials	6,121	2,000				3,647		1,647
31.0 Equipment	19	0				55		55
32.0 Land and Structures	0	0				0		0
41.0 Grants, Subsidies, and Contributions	0	0				0		0
42.0 Insurance Claims and Indemnities	0	0				0		0
Total Obligations								
Unobligated Balance, Start-of-Year		176,341		176,490		182,499		7,009
Transfers/Reprogramming		-4,367		-424		0		424
Recoveries/Refunds		269		0		0		0
Unobligated End-of-Year, Available		5		-1		0		1
Unobligated End-of-Year, Expiring		424		0		0		0
Total Direct Requirements								
Reimbursable FTE	0	174,000	0	175,065	0	182,499	0	7,434
Full-Time Permanent	268		282		282		0	
23.1 Rental Payments to GSA (Reimbursable)		3,714		2,450		2,469		49
25.3 Other Goods and Services from Federal Sources - DHS Security (Reimbursable)		19		30		31		1

*The 2013 Available includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

Exhibit L - Summary of Requ.

as by Object Class

U.S. Department of Justice
CIVIL DIVISION

**FY 2014 Budget
And Performance Plans**

**Submitted to the Congress of the United States
April 2013**

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BACKGROUND

The Civil Division represents the Federal Government defensively when it is sued and in affirmative matters to recover money it is owed. At the same time, Civil defends challenges to federal statutes, regulations, and policies – such as defending the Government’s ability to detain terrorists or enforcing the removal of illegal aliens. Ultimately, Civil promotes justice by avoiding the payment of unmerited monetary claims, recovering money for the Government, and protecting the intent of Congress and the Executive Branch by defending federal laws, regulations, and policies.

The vast majority, approximately 90%, of Civil’s caseload is defensive litigation where the Government has been sued. These matters range from an almost \$60 billion claim arising from the Government’s 2008 financial rescue efforts to multi-decade cases involving storing nuclear fuel. In defensive cases, Civil has virtually zero control over the timing of the suits but still must litigate each claim to avoid default judgments and unwarranted payments.

Approximately 10% of Civil’s caseload is affirmative litigation to recover money owed to the Government. Whether recovering money owed as damages due to oil spills, overbilling Medicare, or financial misconduct during the 2008 economic crisis, the Government always must protect its coffers and citizens while simultaneously deterring wrong-doing. Given the Nation’s current fiscal situation, now is not the time to retreat and risk billions of dollars in foregone revenue.

In sum, in FY 2012, the Civil Division:

- Received \$283.1 million in appropriations and \$103.1 million in reimbursements.
- Handled defensive cases with more than \$80 billion at issue.
- Defeated over \$11 billion in exaggerated or unwarranted claims.
- Recovered over \$6 billion for the Federal Government’s coffers working with U.S. Attorneys and other governmental entities.

The Civil Division’s legal work limits Government outlays and increases Government revenue. In FY 2012, Civil effectively returned \$47 for each dollar spent.

Full Program Costs

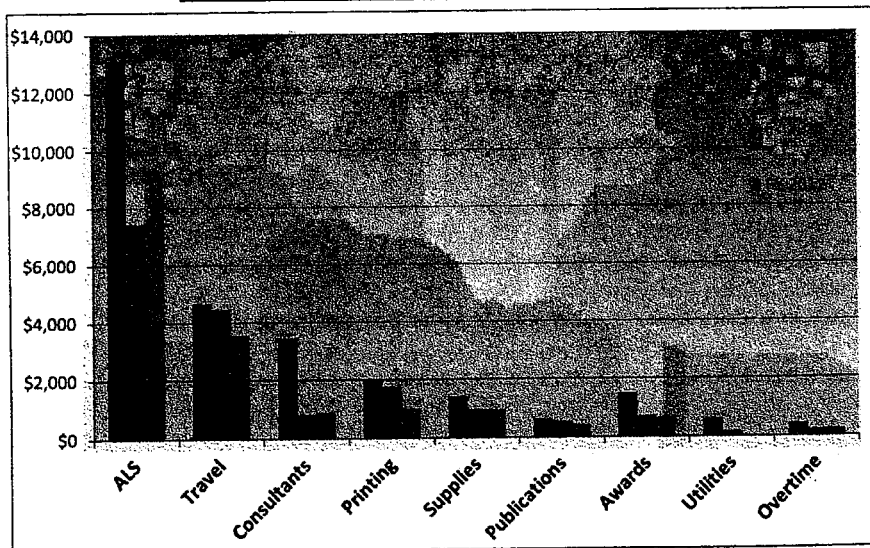
The FY 2014 President's Budget requests 1,471 positions, including 1,052 attorneys, and \$297,313,000. Base adjustments total \$5,610,000. In addition, the budget includes a program enhancement of 51 positions and \$7,000,000 to fund efforts to recover billions of dollars lost to financial and mortgage fraud, and a program enhancement of \$1,600,000 to fill paralegal, technical, and clerical positions vital to attorney efficiency and success.

Internal Challenges

Dramatically Reduced Support Services

During the past several years of fiscal restraint, the Civil Division cut support services to the barest levels. As the chart below demonstrates, from FY 2010 through FY 2012, Automated Litigation Support ("ALS"), travel, consultants, printing, supplies, publications, awards, utilities, and overtime expenses have been squeezed in an aggressive cost-cutting effort. These reductions occurred while Civil's workload remained constant at approximately 50,000. ALS, a contractor-provided program used at every stage of litigation from discovery to trial, provides Civil attorneys with the technology to efficiently manage large, complex cases that require expert consultants and extensive document collection and review. These services are necessary to handle document intensive cases, and yet expenditures for ALS contract services have been curtailed sharply.

Civil Spending Reductions, FY 2010 to FY 2012 (\$ in Thousands)

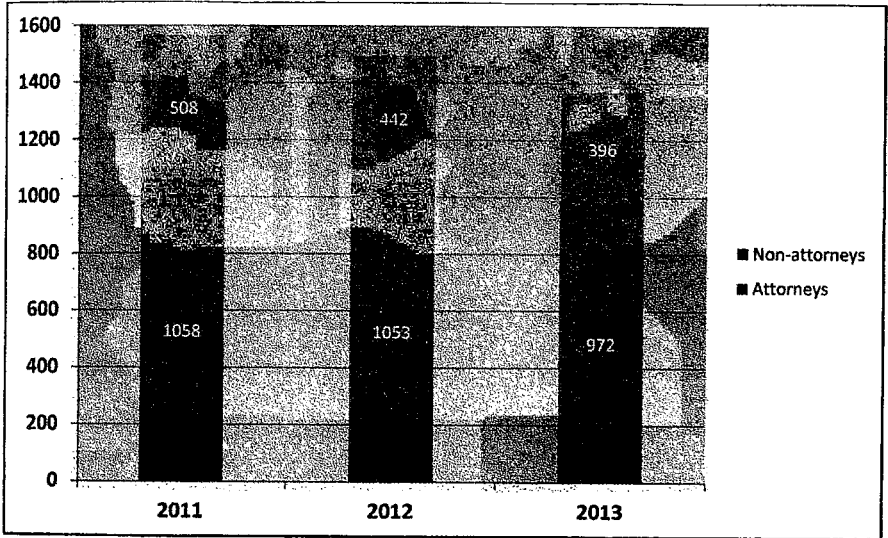


Civil Division
 Recouping Taxpayer Dollars * Upholding Congressional Statutes * Averting Treasury Payouts

Significant Downsizing in the Number of Employees

Just as Civil has reduced support services, in the past few years, its number of employees has significantly dropped due to attrition and reduced hiring Department-wide. In early 2011, Civil had 1,566 employees, but today Civil only employs 1,368 people – a loss of 198 employees – or more than 12 percent. At current resource levels, we will not be able to significantly expand efforts to investigate and punish those who commit financial and mortgage fraud. Civil also will be hampered in its ability to defend the United States in novel and complex cases collectively worth tens of billions of dollars.

Civil Division Staffing Levels: Attorneys and Non-attorneys, 2011-2013



Reductions in Client Agency Reimbursements

The Civil Division's activities are funded, in part, by reimbursements from client agencies. Most client agency reimbursements are used for ALS services to collect and review evidentiary material. Since FY 2005, these reimbursements dropped by more than 35 percent. As noted above, at the same time Civil experiences decreases in client agency reimbursements, it also has reduced the number of employees and its support services. Despite these resource reductions, Civil's workload remains.

External Challenges

Civil Has Little Control Over Its Defensive Litigation

The vast majority of the Civil Division's caseload is defensive. Whether people opt to file a legal action against the Federal Government depends on many factors beyond the Civil's control, such as hurricanes, oil spills, terrorist attacks, airplane crashes, and economic conditions.

Whatever the reason for a lawsuit, Civil is responsible for litigating each and every matter. Courts will impose requirements and deadlines on the Government as a party in litigation. A failure to meet court-imposed obligations and deadlines risks billions of dollars in payments and court orders overturning congressional statutes.

Performance Challenges

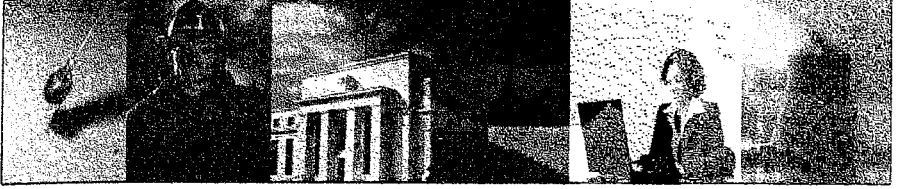
Without sufficient resources to defend civil cases, the Treasury would risk having to pay billions of dollars in bloated or unfounded claims. Without vital resources to fight fraud, billions of dollars in recoveries may be foregone. At the same time, immigration enforcement actions will be undone. Those who swindled American taxpayers will go unpunished.

Environmental Accountability

The Civil Division is working toward meeting all Administration and Department of Justice guidelines for improving environmental and energy performance. Civil is moving toward full compliance with efforts to achieve reductions in greenhouse gas emissions, acquire green products and services, and establish cost-effective waste prevention and recycling programs. Examples of Civil's environmentally sound practices include: using teleconferencing options to reduce travel costs, expanding recycling programs, installing motion detector lighting systems, using 25 watt "green" lighting, and reducing overtime use of heating and air conditioning.

Electronic Copies of Budget

Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the address: <http://www.justice.gov/02organizations/bpp.htm>.



SUMMARY OF CHANGES

Item Name	Description					Page
		Pos.	FTE	Dollars (\$000)		
Financial and Mortgage Fraud	Increase capacity to pursue financial and mortgage fraud investigations and lawsuits to bring justice to consumers and taxpayers harmed by fraud and misconduct during the 2008 economic crisis and beyond	51	26	\$7,000		24
Attorney Productivity Initiative	Maximize the efficiency of attorney workforce and ensure the availability of essential support activities by hiring paralegals, clerical staff, and information technology (IT) analysts	0	0	\$1,600		29
Total GLA Program Change		51	26	\$8,600		

Civil Division

Recouping Taxpayer Dollars * Upholding Congressional Statutes * Averting Treasury Payouts



LEGAL REPRESENTATION

The Civil Division represents the United States in litigation and investigations involving the Federal Government's laws, policies, domestic and foreign operations, immigration enforcement, law enforcement initiatives, military actions, and counterterrorism efforts.

The Civil Division is composed of six litigating branches:

- Appellate Staff,
- Commercial Litigation Branch,
- Consumer Protection Branch,
- Federal Programs Branch,
- Office of Immigration Litigation, and
- Torts Branch.

Each of these litigating branches and Civil's Office of Management Programs, which provides administrative and support services to the Division, are described in the following pages.

Summary of FY 2014 Legal Representation Budget Request

Legal Representation – TOTAL	Direct Pos.	FTE	Amount (\$000)
2012 Enacted	1,420	1,326	\$283,103
2013 Continuing Resolution	1,420	1,233	\$284,836
Base and Technical Adjustments	--	--	\$3,877
2014 Current Services	1,420	1,233	\$288,713
2014 Program Increases	51	26	\$8,600
2014 Request	1,471	1,259	\$297,313
Total Change 2012 – 2014	51	-67	\$14,210

Appellate Staff

The Appellate Staff represents the security and financial interests of the United States in federal circuit courts of appeals and, at times, in state appellate courts. These cases involve complex, sensitive, and novel legal questions that set far-reaching precedents. Appellate's monetary cases involve billions of dollars, and the outcomes of Appellate's cases determine how a law or policy in question will affect millions of Americans.

A significant portion of the Appellate Staff's workload involves national security matters. Some of the most important cases involve challenges brought by detainees at Guantanamo Bay. In one recent case involving a Guantanamo detainee, the D.C. Circuit Court of Appeals affirmed the district court's ruling rejecting the detainee's petition for a writ of habeas corpus. This particular detainee admitted to being a senior Taliban official in Afghanistan; he served as a Taliban spokesman, governor of Kabul, and governor of Herat province.

The Appellate staff's notable 2012 national security cases include:

- Appealing a court's decision striking down a congressionally enacted military detention statute;
- Reversing a decision awarding damages to plaintiffs that alleged unlawful and warrantless surveillance; and
- Defending the procedures to place individuals on terrorist watchlists.

In addition to counter-terrorism matters, the Appellate Staff recently defended the nation's child pornography statutes from constitutional challenges and filed an amicus curiae brief in support of a municipal ordinance regulating protests near funerals after the ordinance was challenged by the Westboro Baptist Church.

Commercial Litigation Branch

The Federal Government engages in countless transactions annually including purchasing and leasing goods or services, signing contracts, or issuing payroll. The Commercial Litigation Branch represents the Federal Government by defending monetary claims arising from these commercial disputes and acting to recover massive sums of money owed to the Federal Government. In total, the Commercial Litigation Branch's caseload involves billions of taxpayer dollars. Its successful litigation is a major driver of the Civil Division's rate of return of \$47. In FY 2012, Civil's rate of return was \$47 defeated and recovered for each dollar spent.



The Commercial Litigation Branch is organized into five sections:

- Fraud Section
- National Courts Section
- Corporate/Financial Litigation Section
- Office of Foreign Litigation
- Intellectual Property Section

Fraud Section

The Fraud Section, working with U.S. Attorneys' offices around the country, recovers billions of dollars annually by investigating and litigating matters involving fraud against the Federal Government. This section handles fraudulent activity related to a variety of government programs whether health care, loan programs, defense contracting, grants, construction of federal buildings and prisons, or foreign aid.

In recent years, there were record fraud recoveries. Between FY 2009 and FY 2012, the collaborative efforts of the Civil Division, U.S. Attorneys, FBI, and Criminal Division, while working the U.S. Department of Health and Human Services and other government entities, **recovered over \$13 billion in False Claims Act cases.** (The False Claims Act is the primary civil remedy to recoup money lost to fraud.) In FY 2012 alone, \$4.9 billion was recovered through the use of the False Claims Act. The chart below highlights some of the Fraud Section's more significant recent recoveries.

The Fraud Section made significant contributions to the following recoveries	
Health Care Fraud Recoveries:	Procurement and Other Fraud Recoveries:
<ul style="list-style-type: none"> • GlaxoSmithKline to Plead Guilty and Pay \$3 Billion to Resolve Fraud Allegations and Failure to Report Safety Data <i>Largest Health Care Fraud Settlement in U.S. History</i> July 2, 2012, Department of Justice Press Release • Abbott Labs to Pay \$1.5 Billion to Resolve Criminal & Civil Investigations of Off-label Promotion of Depakote <i>Company Maintained Specialized Sales Force to Market Drug for Off Label Purposes; Targeted Elderly Dementia Patients in Nursing Homes</i> May 7, 2012, Department of Justice Press Release • U.S. Pharmaceutical Company Merck Sharp & Dohme to Pay Nearly One Billion Dollars Over Promotion of Vioxx® <i>Merck to Pay \$950 Million for Illegal Marketing</i> November 22, 2011, Department of Justice Press Release 	<ul style="list-style-type: none"> • ATK Launch Systems Inc. Settles False Claims Product Substitution Case for Nearly \$37 Million <i>Allegedly Delivered Unsafe Illuminating Paraflexes Under Department of Defense Contracts</i> April 23, 2012, Department of Justice Press Release • Residential Youth Treatment Facility for Medicaid Recipients in Marion, Virginia Agrees to Resolve False Claims Act Allegations <i>Will Pay \$6.85 Million to Settle Allegations of Providing Substandard Adolescent Psychiatric Services</i> March 28, 2012, Department of Justice Press Release • Oracle Agrees to Pay U.S. \$199.5 Million to Resolve False Claims Act Lawsuit <i>Largest False Claims Act Settlement Obtained by General Services Administration</i> October 6, 2011, Department of Justice Press Release

Additionally, the Fraud Section houses the **Elder Justice and Nursing Home Initiative**, which protects seniors and infirm citizens. Through this initiative, the Government enforces the False Claims Act against nursing facilities and other long term care medical providers that knowingly bill Medicare or

Medicaid for inadequate or deficient services. Another part of the initiative offers grants to promote prevention, detection, intervention, investigation, and the prosecution of elder abuse and neglect.

National Courts Section

The National Courts Section is one of the largest and most active litigating sections of the Department of Justice. It handles a wide array of matters including government contracts, international trade matters, personnel appeals, and veterans' benefits appeals. The diverse litigation handled by National Courts is mostly argued before three specialized courts – the U.S. Court of Federal Claims, the U.S. Court of Appeals for the Federal Circuit, and the U.S. Court of International Trade.

Currently, National Courts is handling multi-billion dollar lawsuits originating out of the Federal Government's economic rescue efforts during the 2008 economic downturn. In one matter, stockholders of the American International Group Inc. ("AIG"), led by the former Chairman of AIG, filed claims in the Court of Federal Claims alleging that the Federal Government violated the Fifth Amendment's Takings Clause. In total, the stockholders are seeking damages of almost \$60 billion. Importantly, even though AIG itself recently declined to take part in the lawsuit, the stockholders are pressing on with the suit. Discovery will be extensive and is expected to last through 2013. The AIG stockholders have requested more than 16 million pages of documents.

"David Boies, the attorney for the shareholders, said the plaintiffs regret the decision of the AIG Board, but will continue to pursue the case."

Chris Isadore, "AIG Won't Join Lawsuit Against U.S.," Jan. 9, 2013, available at <http://money.cnn.com/2013/01/09/news/companies/aig-lawsuit/index.html>.

In another case arising out of the economic crisis, 141 former automobile dealerships claim that the Federal Government's assistance to the automobile manufacturers in the 2008 economic downturn resulted in unconstitutional takings of their dealerships. In total, combined damages claims may exceed \$900 million.

The outcomes of these cases will set important precedents. A failure to prevail could hamstring the Federal Government's ability to respond to future economic crises.

Corporate/Financial Litigation Section

The Corporate and Financial Litigation Section handles claims for money and property by representing the Federal Government's interests in large and complex Chapter 11 bankruptcies and other affirmative and defensive contractual disputes litigated in the federal district courts. These cases involve a variety of diverse industries including those involving health care providers, communications companies, energy suppliers, and commercial airlines. A notable recent example of this section's work is representing the Federal Government in objecting to Solyndra LLC's bankruptcy reorganization plan that was pending before a bankruptcy court.

Office of Foreign Litigation

The Civil Division's Office of Foreign Litigation handles all types of cases – whether civil or criminal, affirmative or defensive – in courts of foreign countries. At any given time, the office handles approximately 1,000 civil and criminal matters in over 100 different countries. While Office of Foreign Litigation attorneys do not actually practice law in foreign countries, this office retains lawyers to represent the United States and its interests. To reduce future litigation, the Foreign Litigation Office also counsels U.S. departments operating overseas on international public and private legal matters.

Recently, the Office of Foreign Litigation participated in French court proceedings to oppose the request for conditional release of George Ibrahim Abdallah, a convicted terrorist serving a life sentence for the 1984 assassination of a U.S. military attaché and the attempted assassination of a U.S. Consul General.



Intellectual Property Section

The Intellectual Property Section represents the U.S. in intellectual property matters where a patent, copyright, or trademark is at issue. These cases can involve highly sophisticated electronic devices. To meet the challenges presented by these cases, all attorneys in the Intellectual Property section have a bachelor's or advanced degree in one of the physical or life sciences, engineering, or mathematics. Over half of the section's attorneys are U.S. Patent and Trademark bar members.

Consumer Protection Branch

The Consumer Protection Branch protects the health, safety, and economic security of American consumers through criminal prosecutions and civil enforcement actions under national consumer protection statutes. Consumer Protection is unusual within the Civil Division because it has both criminal and civil jurisdiction. Through investigations and litigating cases, the Consumer Protection Branch protects Americans in the areas of food, drugs, consumer goods, services, and financial fraud.

In its affirmative litigation, the Consumer Protection Branch recovers massive sums of the money for the U.S. Treasury. In 2012, the Consumer Protection Branch recovered over \$1.95 billion in fines and penalties.

Recent Consumer Protection Branch accomplishments include:

- Initiating litigation against Standard and Poor's for fraud in its rating mortgage-backed securities in the years before the 2008 financial crisis;
- Securing prison terms of 66 months and 60 months for defendants that defrauded distressed homeowners causing homeowners to lose equity in their homes and forcing the homeowners to move out of their homes;
- Filing an injunction against an Indian generic manufacturer for statutory violations related to drug manufacturing and testing in India and at facilities owned by its American subsidiary;
- Reaching an agreement with a company operating an online social networking application for it to pay \$800,000 to settle charges that it violated federal regulations by collecting personal information from children under the age of 13 without obtaining parental consent; and
- As part of a larger settlement, GlaxoSmithKline agreed to pay \$1 billion in fines and forfeitures to resolve criminal charges stemming from GlaxoSmithKline's promoting drugs for purposes that the FDA had not approved and failing to provide the FDA safety data about a prescription drug (the Commercial Litigation Branch's Fraud Section was involved in the False Claims Act civil litigation in this case).

"U.S., S&P Settle In For Bitter Combat"

Jeannette Newmann, Evan Perez, and Jean Eaglesham, Wall Street Journal, A1, Feb. 6, 2013.

"Federal prosecutors have filed criminal charges against the former owner and several employees of a now-defunct peanut company that was the source of a salmonella outbreak in 2009 that killed nine people and sickened more than 700."

Sabrina Tavernise, "Charges Filed in Peanut Salmonella Case," N.Y. Times, Feb. 22, 2013

Federal Programs Branch

The Federal Programs Branch defends the laws, regulations, and policies of the Federal Government. In total, Federal Programs is involved in matters involving approximately 100 federal agencies.

Many of Federal Programs' cases involve complex questions of constitutional law, including the scope of the powers of Congress, the President, and the federal courts as well as the limitations imposed by the U.S. Constitution. At the same time, Federal Programs also represents the Federal Government, as the Nation's largest employer, in employment litigation.



Civil Division

Recouping Taxpayer Dollars * Upholding Congressional Statutes * Averting Treasury Payouts

The Federal Programs Branch devotes substantial resources to the defense of federal programs and statutes, including:

- Rebutting a challenge brought by Guantanamo detainee currently facing capital charges related to the 2000 bombing of the U.S.S. Cole and other terrorist attacks;
- Representing the FBI in a class action suit alleging indiscriminate surveillance brought by three Muslim residents of southern California;
- Securing the dismissal of a lawsuit that sought to end the United States' military involvement in Libya as an alleged violation of the War Powers Resolution; and
- Defending the constitutionality of the part of the Stop Trading on Congressional Knowledge ("STOCK") Act requiring posting employees' public financial disclosure forms on official websites of Executive Branch agencies.

Office of Immigration Litigation

The Office of Immigration Litigation is organized into two sections – the Appellate Section and the District Court Section.

Appellate Section

The Immigration Litigation's Appellate Section defends the United States in immigration litigation before the federal appellate courts. These cases involve challenges related to whether an individual is subject to removal from the U.S. or is eligible for some form of benefit, relief, or protection that would allow him or her to remain in the U.S.

The caseload is entirely defensive and is tied to the enforcement efforts of the Immigration and Customs Enforcement, which initiates administrative removal actions against individuals. After Immigration and Customs Enforcement takes action, individuals may appeal to the Board of Immigration Appeals and then to the federal courts of appeals. Increased enforcement by Immigration and Customs Enforcement and the Board of Immigration Appeals will increase the number of cases handled by the Appellate Section of the Office of Immigration Litigation. Given the defensive nature of the Appellate Section's litigation, Civil Division lawyers must respond to each challenge or risk immigration enforcement actions being negated.

"Filings in the regional courts of appeals rose four percent . . . [and] appeals of administrative agency decisions grew in response to higher filings related to rulings by the Board of Immigration Appeals."
Chief Justice John G. Roberts, Jr., 2012 Year-End Report on the Federal Judiciary.

District Court Section

Immigration Litigation's District Court Section represents all government agencies challenged in federal district courts on matters involving the Immigration and Nationality Act. These include Homeland Security agencies handling immigration matters; the Department of State on cases involving passports and visas; the Department of Labor on employment-related visas; and the Federal

Bureau of Investigation on background and other security checks conducted for immigration purposes. Much of the District Court's litigation is defensive although it does affirmatively file and prosecute denaturalization cases. In a recent denaturalization case, a federal district court ruled in favor of the Government's action to revoke an alien's naturalized citizenship because of his unlawful acts – the rape and sodomy of his minor stepdaughter.

Recent areas of focus for the District Court Section have included:

- **Preserving National Security:** In recent years, the District Court Section defended numerous cases brought by known or suspected terrorists, and convicted criminals attempting to acquire immigration benefits, thwart removal, or avoid mandatory detention pending removal, including those involving naturalization claims of members of Hamas, Al-Qaeda, and Al-Shabab.
- **Upholding the Department of Homeland Security's Detention Authority:** Immigration Litigation's District Court section has supported Homeland Security's legal priorities by leading the defense of Immigration and Customs Enforcement's authority to detain criminal aliens pending removal.



Torts Branch

The Torts Branch is comprised of four litigating sections and is home to tort reform programs, including the National Childhood Vaccine Injury Program and the Radiation Exposure Compensation Program. Although nearly all of the Torts Branch's workload involves defensive matters in which other parties have sued the Federal Government, the Torts Branch is litigates one of the Federal Government's largest affirmative cases – Deepwater Horizon. In FY 2012, the Torts Branch handled cases worth billions of dollars.

Aviation and Admiralty Section

The Aviation and Admiralty Litigation Section handles aviation and maritime accident matters.

The **Aviation** caseload involves activities such as air commerce regulation, air traffic control, aviation security, provision of weather services, and aeronautical charting. When aircraft accidents occur, the Aviation and Admiralty Litigation Section handles litigation involving the Federal Aviation Administration's air traffic control; weather dissemination services; and its certification of airports, aircraft, and air personnel.

The **Admiralty** caseload involves the Federal Government's role as ship-owner, regulator, and protector of the nation's waterways. Cases involve collisions involving government vessels and

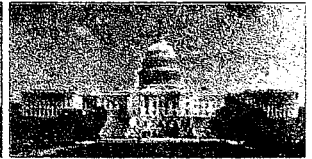
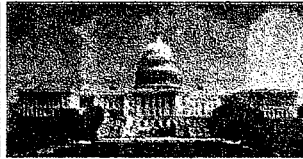
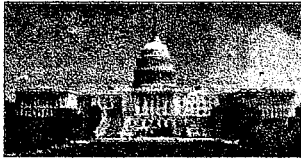
challenges to the boarding of vessels on the high seas during national security activities. Affirmative admiralty actions seek compensation for the loss of government cargo and the costs associated with maritime pollution cleanups.

Deepwater Horizon Litigation. The Aviation and Admiralty Section represents the Federal Government in litigation arising out of the sinking of the drilling rig Deepwater Horizon in the Gulf of Mexico and the resulting oil spill. This multi-district litigation is the largest oil pollution case ever filed. Since the day of the sinking, the Aviation and Admiralty Section has advised numerous federal agencies involved and is leading the United States' affirmative litigation against responsible parties – BP,



Transocean, and Anadarko. (Aviation and Admiralty works in tandem with the Environment and Natural Resources Division and the Criminal Division on the environmental damage aspects.)

In January 2013, Transocean agreed to plead guilty to violating the Clean Water Act and pay \$1.4 billion in civil and criminal fines and penalties. Litigation, however, will continue with multiple trials to first allocate fault for the explosion and sinking of the Deepwater Horizon and then to assess damages. The first trial started on February 25, 2013.



The Deepwater Horizon Litigation is one of the largest cases ever litigated by the Federal Government. Given the size and complexity of the litigation, it is unsurprising that the volume of documents is hard to imagine.

In total, the Government has produced or received 47.7 terabytes of data. If printed on paper, these documents would total 23.85 billion pages and consume 7.95 million standard-sized boxes. If stacked 20 feet high, these boxes would fill the equivalent of almost three U.S. Capitols.

Constitutional and Specialized Torts Litigation Section

Constitutional and Specialized Torts consists of three components: the Constitutional Torts Staff, the Vaccine Litigation Group, and the Radiation Exposure Compensation Act Group.

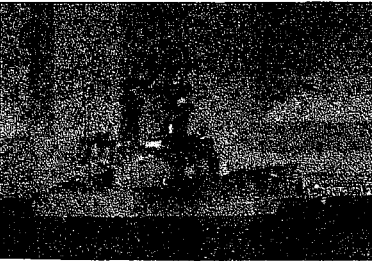
The core mission of the **Constitutional Torts Staff** is to provide legal representation to federal employees in cases filed against them for actions they perform as part of their official duties. The Staff focuses on cases involving critical and sensitive Executive Branch functions, cutting-edge questions of law affecting the federal workforce, and difficult personal liability cases. Many cases involve national security or law enforcement activity, including a case brought by the estate of three U.S. citizens who died in 2011 in Yemen by alleged drone strikes.

The **Vaccine Litigation Group** was established pursuant to the National Childhood Vaccine Injury Act of 1986, which created a unique mechanism for adjudicating claims of injury resulting from immunizations. As a "no-fault" system, claimants need only establish causation and not prove that a vaccine was defective, or that there was any degree of negligence in its administration.



The **Radiation Exposure Compensation Act Program** administers a compensation program created by the Radiation Exposure Compensation Act, which provides limited financial compensation for individuals who have developed certain serious illnesses after radiation exposure arising from the mining, milling, and transporting of uranium, as well as atmospheric testing of nuclear weapons during the Cold War era.

Environmental Torts Litigation Section

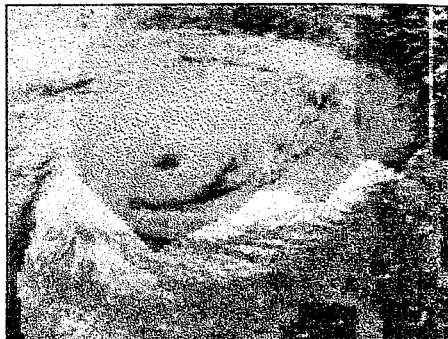


The Environmental Torts Section defends the United States in high-stakes and complex environmental tort litigation. These cases often involve complex scientific and medical issues requiring the presentation of expert testimony. The Environmental Torts Litigation Section defends the Federal Government in property and personal injury cases involving toxic substances in the environment, the workplace, and government-owned housing.

Past successes include cases involving the contamination resulting from the Federal Government's chemical warfare research during World War I; the use of asbestos in Government vessels during World War II and beyond; the use of Agent Orange during the Vietnam War; the use of herbicides to prevent wildfires on federal land; and alleged injuries from contamination from important Government – including military – facilities. In total, the Environmental Torts Litigation section has saved the Government billions of dollars.

Federal Torts Claims Act Litigation Section

The Federal Torts Claims Act Section litigates cases – which are often complex and controversial – under the Federal Tort Claims Act, a statute first passed by Congress in 1946 that provides damages for certain injuries and property damage caused of Federal Government employees. Today, Federal Tort Claims Act litigation typically arises due to medical care, regulatory activities, law enforcement, and maintenance of federal lands. Recently, the Federal Tort Claims Act Section has defended the United States in litigation related to Hurricane Katrina in which plaintiffs sought billions of dollars for losses caused by flooding.



Office of Management Programs

The Office of Management Programs supports Civil Division attorneys in all aspects of their work. Whether helping an employee prepare a presentation for trial, maintaining and updating discovery software, selecting a life insurance plan, or developing Civil's annual budget, Management Programs staff, including analysts, accountants, and information technology specialists, provide the technological, analytical, and litigation tools necessary for Civil Division attorneys to compete against the best law firms in the world.

Performance and Resources

Decision Unit: Civil Division - Legal Representation									
DOJ Strategic Goal II: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law.									
Objective 2.4: Combat corruption, economic crimes, and international organized crime.									
Objective 2.6: Protect the Federal fisc and defend the interests of the United States.									
WORKLOAD/RESOURCES									
Workload	Target		Actual		Projected		Changes		Requested
	FY 2012		FY 2012		FY 2013 CR (As of 3/5/2013)		Current Services Adjustments and FY 2014 Program Changes		FY 2014
1. Number of cases pending beginning of year	33,933		34,462		31,807		N/A		33,936
2. Number of cases received during the year	16,833		17,303		16,829		N/A		17,064
3. Total Workload	50,766		51,765		48,636		N/A		51,089
Total Costs and FTE									
(Reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)									
Workload	Target		Actual		Projected		Changes		Requested
	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE
1. Number of cases pending beginning of year	1,438	283,103 (103,113)	1,438	283,103 (103,113)	1,357	284,836 (99,240)	26	12,477	1,383
2. Number of cases received during the year									297,313 (99,240)
PERFORMANCE									
Type / Strategic Objective	Target		Actual		Projected		Changes		Requested
	FY 2012		FY 2012		FY 2013		Current Services Adjustments and FY 2014 Program Changes		FY 2014
1. Number of cases terminated during the year	19,954		24,153		18,891		N/A		21,379
Civil Division Performance (Excludes VICP and RECA)									
2. Percent of civil cases favorably resolved	80%		96%		80%		N/A		80%
3. Percent of defensive cases in which at least 85 percent of the claim is defeated	80%		90%		80%		N/A		80%
4. Percent of affirmative cases in which at least 85 percent of the claim is recovered	60%		73%		60%		N/A		60%
5. Percent of favorable resolutions in non-monetary trial cases	80%		90%		80%		N/A		80%
6. Percent of favorable resolutions in non-monetary appellate cases	85%		94%		85%		N/A		85%
7. Ratio of dollars defeated and recovered to dollars obligated for litigation	\$46		\$47		\$47		N/A		\$48

PERFORMANCE		Target	Actual	Projected	Changes	Requested
Type / Strategic Objective		FY 2012	FY 2012	FY 2013	Current Services Adjustments and FY 2014 Program Changes	FY 2014
Vaccine Injury Compensation Program Performance						
Outcome	8. Percentage of cases where the deadline for filing the Government's response to Petitioner's complaint (the Rule (4b) report) is met once the case has been deemed complete	86%	95%	86%	N/A	86%
	9. Percentage of cases in which judgment awarding compensation is rejected and an election to pursue a civil action is filed	0%	0%	0%	N/A	0%
	10. Percentage of cases in which settlements are completed within the court-ordered 15 weeks	92%	100%	92%	N/A	92%
Efficiency						
Radiation Exposure Compensation Program Performance						
Outcome	11. Reduce average claim processing time to 200 days by FY 2016	200	116	200	N/A	200
	12. Percentage of claims paid within six weeks of Program receipts of acceptance form	90%	92%	90%	N/A	90%
	13. Percentage of claims paid within six weeks of 90 days of filing administrative appeal	95%	100%	95%	N/A	95%
Efficiency	14. Percentage of claims adjudicated within 12 months or less	80%	97%	80%	N/A	80%

History of Performance													
Decision Unit: Civil Division - Legal Representation													
Performance Report		FY 2005		FY 2006		FY 2007		FY 2008		FY 2009		FY 2010	
		Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target
Civil Division Performance (Excludes VACP and RECA)													
Output	Number of cases terminated during the year	15,727	15,435	17,147	22,939	17,088	17,538	17,330	24,153	24,153	18,891	21,379	21,379
	Percent of cases favorably resolved	90%	93%	89%	91%	93%	93%	96%	80%	96%	80%	80%	80%
Outcome	Percent of defensive cases in which at least 85 percent of the claim is defeated	90%	91%	91%	90%	88%	85%	86%	80%	90%	80%	80%	80%
	Percent of affirmative cases in which at least 85 percent of the claim is recovered	72%	72%	68%	64%	63%	74%	66%	60%	73%	60%	60%	60%
	Percent of favorable resolutions in non-monetary trial cases	89%	92%	86%	90%	90%	93%	92%	80%	90%	80%	80%	80%
	Percent of favorable resolutions in non-monetary appellate cases	91%	87%	87%	90%	92%	92%	92%	85%	94%	85%	85%	85%
Efficiency	Ratio of dollars defeated and recovered to dollars obligated for litigation	\$60	\$60	\$49	\$37	\$70	\$48	\$98	\$46	\$47	\$47	\$48	\$48
Vaccine Injury Compensation Program Performance													
Outcome	Percentage of cases where the deadline for filing the Government's response to petitioner's complaint (the Rule (4b) report) is met once the case has been deemed complete	84%	82%	83%	95%	94%	96%	97%	86%	95%	86%	86%	86%
	Median time to process an award for damages (in days)*	530	484	335	483	445	637	N/A	N/A	N/A	N/A	N/A	N/A
	Percentage of cases in which judgment awarding compensation is rejected and an election to pursue a civil action is filed	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
	Average claim processing time (in days)*	1,021	738	894	834	1,337	1,280	1,269	N/A	N/A	N/A	N/A	N/A
	Percentage of cases in which settlements are completed within the court-ordered 15 weeks	95%	98%	96%	100%	100%	100%	100%	92%	100%	97%	92%	92%

* Discontinued Measure

Performance Report		FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
		Actual	Actual	Actual	Actual	Actual	Actual	Actual	Target	Target	Target
Radiation Exposure Compensation Program Performance											
Outcome	Reduce backlog of pending claims by 60 percent by FY 2011*	N/A	2,021	2,032	807	618	558	N/A	N/A	N/A	N/A
	Reduce average claim processing time to 200 days by FY 2016	316	339	298	156	127	100	100	200	200	200
Outcome	Percentage of claims paid within six weeks of Program receipt of acceptance form	63%	71%	91%	89%	94%	90%	91%	90%	90%	90%
	Percentage of claim appeals adjudicated within 90 days of filing administrative appeal	84%	100%	97%	100%	100%	100%	100%	95%	95%	95%
Efficiency	Percentage of claims adjudicated within 12 months or less	71%	66%	71%	93%	96%	96%	94%	80%	80%	80%

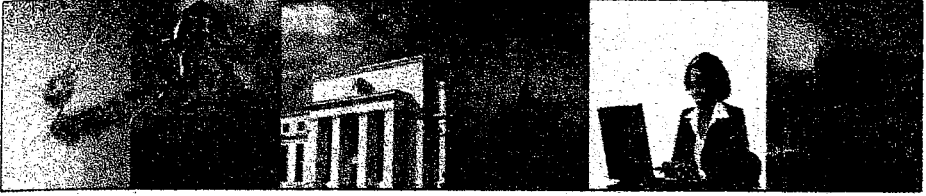
DATA DEFINITION, VALIDATION, VERIFICATION, AND LIMITATIONS

- **All Workload and Performance Indicators:** The data source for all indicators is CASES, the Civil Division's automated case management system. Quality assurance efforts include regular interviews with attorneys to review data listings; program input screens designed to preclude incorrect data; exception reports listing questionable or inconsistent data; attorney manager review of monthly reports for data completeness and accuracy; and verification of representative data samples by an independent contractor.
- **Limitations:** Incomplete data may cause the system to under-report case terminations and attorney time. Some performance successes can be attributed to litigation where the U.S. Attorneys' Offices were involved.
- **Performance Indicators 2, 5, and 6:** Favorable resolutions include court judgments in favor of the Government, as well as settlements.
- **All Workload and Performance Indicators:** All workload actuals and workload estimates exclude nearly 500,000 Hurricane Katrina administrative claims and approximately 100,000 FEMA Hurricane Katrina/Rita trailer-related administrative claims. These claims have been removed to avoid skewing the data.

ISSUES AFFECTING SELECTION OF FY 2013 and FY 2014 ESTIMATES

- **Performance Indicators 2 and 3:** Vaccine Injury Compensation Program cases are excluded from these measures.

*Discontinued Measure



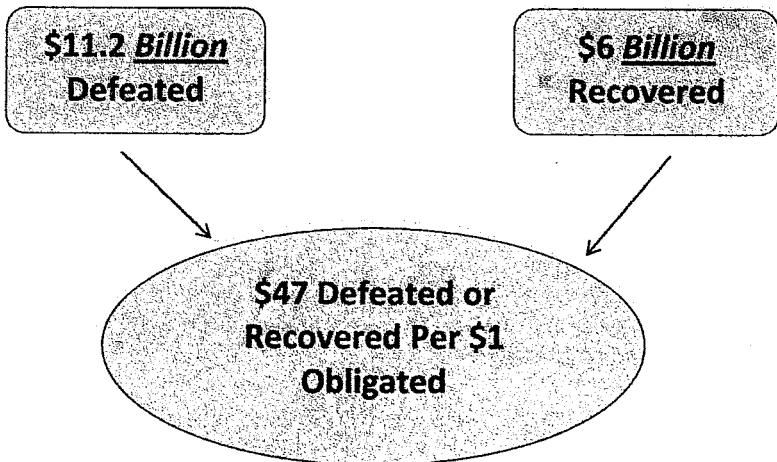
PERFORMANCE, RESOURCES, AND STRATEGIES

Performance Plan and Report for Outcomes

The Civil Division's work advances the Department of Justice's efforts to "prevent crime, protect the rights of the American people, and enforce federal law." More specifically, Civil aims to achieve this goal by:

- Combating corruption, economic crimes, and international organized crime (Strategic Objective 2.4 of the Department of Justice's FY 2012 – FY 2016 Strategic Plan); and
- Protecting the federal fisc and defend the interests of the United States (Strategic Objective 2.6 of the Department of Justice's FY 2012 – FY 2016 Strategic Plan).

In recent years, the Civil Division's performance demonstrates tremendous success in supporting the Department's overall efforts in defending congressional statutes, regulations, and federal policies; recouping losses to the treasury; safeguarding America's interests abroad; and preserving the safety and security of U.S. citizens. This success is evident in the outstanding return on investment the Civil Division provided the U.S. Treasury in FY 2012.



Civil Division

Recouping Taxpayer Dollars • Upholding Congressional Statutes • Averting Treasury Payouts

Given that Civil's workload is 90 percent defensive, its vigorous defense against monetary claims and against challenges to federal programs and policies has saved the Treasury from billions of dollars in unmerited payments. In FY 2012 alone, Civil defeated \$11.2 billion in defensive claims. Also in FY 2012, Civil attorneys, in conjunction with the U.S. Attorneys and other governmental entities, recovered over \$6 billion lost through financial, health care, procurement, and other forms of fraud. The Civil Division continues to meet its performance targets. It must remain, however, conscientious in how it spends its dwindling resources to continue its pursuit of high-stake cases.

Strategies to Accomplish Outcomes

The Civil Division plays an indispensable role in preserving national security, upholding federal programs and policies, protecting consumers from fraud and unsafe practices, and restoring trust in the marketplace. The Civil Division continues to emphasize the following strategies to address high priorities and objectives set by the Administration and the Attorney General:

- Hire the best people;
- Provide them with the best tools; and
- Reduce administrative and overhead costs.

Best people: To the extent that Civil can hire, it will continue to build a workforce composed of the brightest attorneys and staff. Hiring high-quality people is crucial to fulfilling mission-critical activities, such as protecting the interests of U.S. taxpayers, defending federal laws and programs, and preserving national security.



Best tools: The Civil Division's information technology (IT) infrastructure and litigation support services play a critical role in serving its core mission of representing the United States in a variety of civil matters. From the moment an investigation is initiated or a case is filed through its final resolution after trial or settlement, attorneys extensively rely on litigation support services and IT resources. For example, paralegals are needed to handle document collection and review, and contractors are retained to create and manage databases that store and sort through millions of electronically uploaded documents. Civil

will continue to preserve its primary IT needs, including efforts to improve e-discovery resources and case management systems. Such tools and IT capabilities provide attorneys and paralegals with the flexibility and functionality they require to handle legal matters that increasingly rely on electronic data.

Administrative and overhead cost reductions: In order to preserve the Civil Division's two strongest assets, its highly-skilled workforce and technology resources, it must cut costs

elsewhere. Civil continues to take the tough, but necessary, actions to achieve administrative savings wherever possible without compromising the ability of its attorneys to litigate effectively in court and at the settlement table. Since FY 2010, Civil has implemented drastic measures to reduce costs in the areas of automated litigation support, travel, consultants, printing, supplies, publications, and utilities. The following chart states the percentage cuts each area has sustained in the past two years.

Savings	
Automated Litigation Support	-20%
Travel	-24%
Consultants	-74%
Printing	-48%
Supplies	-32%
Publications	-31%
Overtime Utilities	-93%

Priority Goals

Protecting American businesses, consumers, and taxpayers from financial and health care fraud is a top goal of the Civil Division, the Department of Justice, and the Administration. Civil attorneys recover billions of taxpayer dollars every year and work with medical and financial companies to prevent future abuse.

By working with U.S. Attorneys, Antitrust Division, and Criminal Division, the Department intends, at a minimum, to increase the number of financial and health care fraud investigations completed per Department of Justice attorney by five percent over FY 2011 levels. The Department's progress for this goal is reported quarterly. In recent years, close coordination with U.S. Attorneys and other partners has led to the highest recovery amounts and criminal prosecutions in Department history. Civil Division attorneys are leaders in national fraud taskforces that ensure successful coordination and compliance with the Attorney General's priority goal.



PROGRAM INCREASE

Item Name: Financial and Mortgage Fraud

Budget Decision Unit: Legal Representation

Strategic Goal & Objective: Strategic Goal II: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law.
 Objective 2.4: Combat corruption, economic crimes, and international organized crime.
 Objective 2.6: Protect the Federal fisc and defend the interests United States.

Ranking: 1 of 2

Program Increase: Positions 51; Attorneys 32
 Total Dollars \$7,000,000

This \$7 million investment will allow the Commercial Litigation's Fraud Section and the Consumer Protection Branch to expand existing efforts – in both civil and criminal matters – to combat financial and mortgage fraud. These expanded efforts will ultimately benefit consumers by providing relief to those victimized by fraud and will replenish the Government's coffers by recovering money for the Treasury that was lost due to fraud.

Financial and mortgage fraud harms individual American consumers while also damaging the Nation's financial markets. The recent financial crisis underscored the dangers that financial fraud poses to America's economic system. The Department of Justice is committed to punishing those that commit financial and mortgage fraud and deterring future fraud. Within the Civil Division of the Department of Justice, the Fraud Section and the Consumer Protection Branch play a critical role in civil litigation and criminal enforcement matters to prosecute and punish those that commit financial fraud.

**Financial and Mortgage Fraud
Program Increase**

\$7 million total program increase

- \$4.866 million for 51 Positions
 - 32 Attorneys
 - 11 Professional Support
 - 7 Paralegals
 - 1 Clerical Support
- \$2.134 million for Automated Litigation Support

The Civil Division has long-standing success in large-scale, complex litigation. In FY 2012 alone, the Civil Division, working with partners in U.S. Attorneys offices, returned over \$6 billion to the U.S. Treasury in its affirmative litigation. The Fraud Section and the Consumer Protection Branch are primarily responsible for this success.

Fraud Section: The work of the Fraud Section in False Claims Act cases is a major source of Civil's affirmative monetary recoveries. In FY 2012, the combined efforts of Civil and the U.S. Attorneys resulted in \$4.9 billion in False Claims Act recoveries. Historically, False Claims Act litigation primarily involved health care and procurement fraud. In recent years, a new area of focus in False Claims Act litigation has been financial and mortgage fraud.

FY 2012 saw significant recoveries in this area; in total, the Civil Division and U.S. Attorneys recovered over \$1.4 billion in financial and mortgage fraud cases. In addition, Civil has worked closely with the Department of Housing and Urban Development's Inspector General to identify lenders that fraudulently induced the Federal Housing Authority to guarantee mortgages on single family homes that the lenders knew did not meet the Authority's lending guidelines. This initiative has identified potentially billions of dollars in false claims, and additional resources would enable the Department to continue to support this important effort.

Consumer Protection Branch: Another key component in the Civil Division's affirmative monetary recoveries is the work of the Consumer Protection Branch. Since 2009, the Consumer Protection Branch, working with partners in the U.S. Attorneys offices, obtained over \$5.8 billion in criminal fines, forfeiture, disgorgement, and restitution to victims. In addition to these monetary fines and penalties, the Consumer Protection Branch has the authority to undertake criminal prosecutions. During this same period – since 2009 – the Consumer Protection Branch also has obtained criminal convictions of 115 individuals and total prison sentences exceeding 312 years.

Historically, the Consumer Protection Branch has handled matters under the Food, Drug, and Cosmetic Act, the odometer tampering prohibitions of the Motor Vehicle Information and Cost Savings Act, the Consumer Product Safety Act, and a variety of laws administered by the Federal Trade Commission including the Fair Debt Collection Practices Act. Most of the high dollar cases that the Consumer Protection Branch has handled have involved pharmaceutical and other health care matters. In 2011, Congress approved a reorganization that created today's Consumer Protection Branch. Under new leadership, the Branch made financial and mortgage fraud a top priority.

Fraud matters typically take several years to be investigated before litigation ensues. Yet, dividends from the Consumer Protection Branch's expanded mandate have already arisen. On February 5, 2013, Attorney General Eric Holder announced that the Civil Division and its Consumer

"S&P girds for multi-year fight against US gov't charges that it inflated ratings before crisis."

Associated Press

Protection Branch will lead the fraud case against credit rating agency Standard & Poor's Ratings Services (S&P). Civil attorneys spent more than three years investigating the rating agency's actions. Ultimately, litigation was brought under the Financial Institutions Reform, Recovery, and Enforcement Act, and the Civil Division seeks penalties from the \$5 billion in losses suffered by federally insured financial institutions. Because S&P allegedly inflated its ratings to gain a larger market share in the credit ratings industry, federally insured financial institutions made investments that were far riskier than S&P's ratings suggested.

Future Plans: Going forward, the Department of Justice is committed to identifying and prosecuting those that committed financial fraud and, in particular, penalizing those responsible for schemes that caused the 2008 financial crisis. This enhancement would boost the Civil Division's efforts to combat fraud that goes to the very heart of the recent financial crisis. As the Attorney General noted during his February 5, 2013, press conference announcing the Civil Division's lawsuit against S&P, resources for civil fraud enforcement are essential to investigate and hold accountable those who contributed to the worst economic crisis in recent American history.

Beyond targeting those responsible for the greatest financial crisis since the Great Depression, Civil would use additional resources to prosecute those who have taken advantage of the crisis by preying on consumers already suffering under the weight of crushing debt. The economic crisis spawned a variety of other scams including fraudulent foreclosure rescue, debt relief, work-at-home, and pay-day lending scams. These scams took advantage of vulnerable consumers' desperate conditions while simultaneously delaying the recovery. Additional resources will enable the Civil Division to target such scams more efficiently and creatively. For example, more investigations could be opened against third party payment processors, each of which may facilitate several different fraudulent activities. Stopping fraud at the payment processor chokes off fraudsters' access to victim bank accounts and access to the cash that keeps the scams going.

Additional resources are critical in these complex matters as corporate parties will almost certainly employ scorched-earth litigation strategies. Without doubt, given the dollar amounts at issue, corporate defendants will employ the nation's pre-eminent law firms and spare no expense in aggressively litigating each and every claim. To assist consumers and recover money owed to the Treasury, the Civil Division requires sufficient resources to compete against the armies of attorneys our opponents will bring to this battle. This \$7 million investment will ensure that Civil has the resources necessary to compete against its opponents.

Automated Litigation Support: A key component to this program increase is \$2,134,000 in funding for Automated Litigation Support (ALS). Only with ALS resources can Civil attorneys efficiently use paralegal and information technology services, which are almost always used by its opponents, for electronic discovery, forensics, document processing, database creation and maintenance, as well as pretrial and trial support. In major investigations, millions of pages of documents are produced by defendants and ALS resources permit electronic searching to easily

review voluminous materials to identify key evidence. As more major cases and investigations are opened, ALS becomes even more important.

Bottom Line: If the Civil Division receives more resources, it will open more financial fraud investigations, litigate more cases, and provide additional resources in ongoing matters. Those responsible for the economic crisis and those attempting to defraud vulnerable consumers will face justice. More vigorous enforcement of the Nation's consumer protection laws will deter others from engaging in similar practices. At the same time, increased monetary recoveries will provide hundreds of millions, or even billions, of dollars to the Treasury.

Funding

Summary

FY 2012 Enacted				FY 2013 CR				FY 2014 Current Services			
Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)
56	46	58	\$16,034	56	46	58	\$16,034	56	46	58	\$16,338

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position	Number of Positions Requested	FY 2014 Request (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)
Attorney	\$111,359	32	\$3,563	\$3,087
Professional Support (Forensic Accountants, Investigators, Financial Analysts)	77,012	11	847	603
Paralegals	57,450	7	402	187
Clerical Support	54,341	1	54	11
Total Personnel		51	\$4,866	\$3,888

Non-Personnel Increase Cost Summary

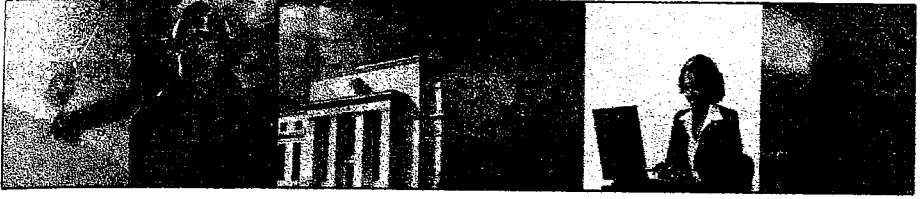
Non-Personnel Item	Unit	Quantity	FY 2014 Request (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)
Automated Litigation Support			\$2,134	
Total Non-Personnel			\$2,134	\$0

Total Request for this Item

	Pos	Agt/ Atty	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)
Current Services	56	46	58	\$16,338	\$0	\$16,338	\$0
Increases	51	32	26	4,866	2,134	7,000	3,888
Grand Total	107	78	84	\$21,204	\$2,134	\$23,338	\$3,888

Civil Division

Recouping Taxpayer Dollars * Upholding Congressional Statutes * Averting Treasury Payouts



PROGRAM INCREASE

Item Name: Attorney Productivity Initiative

Budget Decision Unit: Legal Representation

Strategic Goal & Objective: Strategic Goal II: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law.
 Objective 2.4: Combat corruption, economic crimes, and international organized crime.
 Objective 2.6: Protect the federal fisc and defend the interests United States.

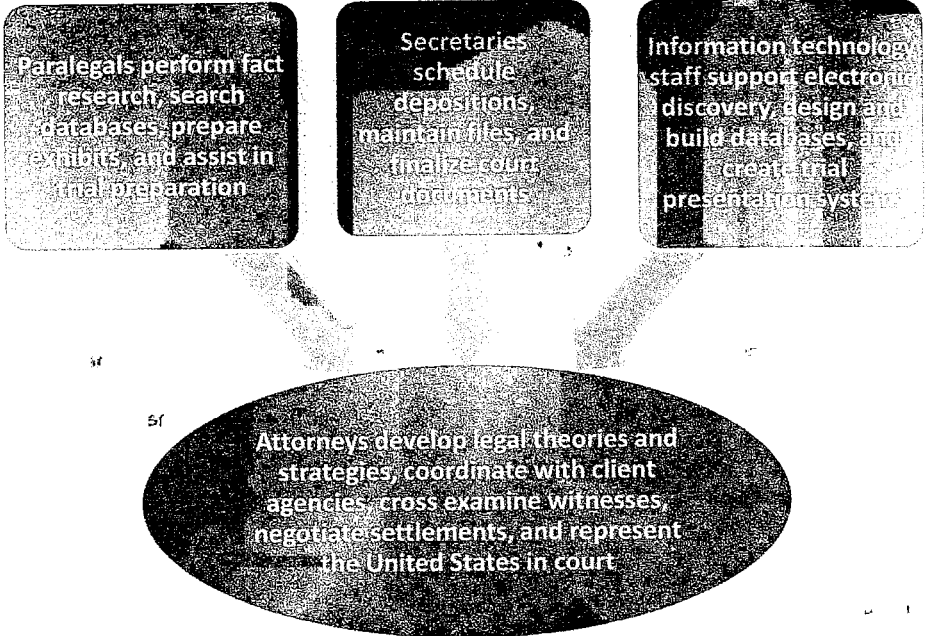
Ranking: 2 of 2

Program Increase: Total Dollars \$1,600,000

Having operated under a partial hiring freeze for two years, the Civil Division seeks to accomplish its mission effectively even as some positions are lost to attrition. This increase will improve the efficiency of its remaining attorney workforce. Today, the ratio of attorneys to support staff is seriously skewed, as attrition among paralegals, administrative professionals, secretaries, and clerks has far outpaced attorney attrition. As a result, attorneys are spending their scarce time searching databases, proofreading documents, performing privilege review, preparing exhibits, and doing a host of activities that could be performed more efficiently by support staff as opposed to performing activities requiring attorney expertise.

According to a recent survey, up to 45 percent of attorneys' workdays in some branches are spent on non-attorney tasks in contrast to the preferable business model (detailed on the following page). Top private law firms employ far more support staff for each attorney than the Civil Division. Lack of sufficient support resources hampers our ability to devise and execute top quality legal services and threatens to undermine Civil's performance in high-stakes cases. To remedy this problem, we are seeking \$1,600,000 to fund 17 positions.

Business Model for Litigation



In the current legal business climate, private law firms are concerned about expenses and strive to reduce costs. Clients of law firms incessantly demand firms keep billing rates as low as possible. Given the competitive nature of legal services in America today, to attract new clients and maintain existing clients, law firms must reduce costs wherever possible. Moreover, law firms have repeatedly demonstrated an eagerness to downsize. These cost-conscious private law firms hire secretaries, paralegals, and other support staff to become more efficient.

"The usefulness of a paralegal in supportive roles can open up time for attorneys to actually work on legal issues and do things that only attorneys can do... [I]t allows corporate law departments to get the most out of their attorneys."

Association of Corporate Counsel, *Top 10 Reasons to Use Paralegals*, Oct. 3, 2011.

The Civil Division's ratio of non-attorneys to attorneys is far afield from that of the private bar.

Various trade publications and other resources detail staffing levels at private law firms. The data shows, for law firms, the ratios of non-attorneys to attorneys,

secretaries to attorneys, and paralegals to attorneys. All of the studies point to the same conclusion – the Civil Division’s support staff constitutes a far smaller percentage of Civil’s total employment than does the percentage of support staff at private law firms. Sources consulted

Staffing Levels for Private Law Firms	Staffing Levels for the Civil Division
1 secretary for every 3 – 4 attorneys	1 secretary for every 7.5 attorneys
1 paralegal for every 4.5 attorneys	1 paralegal for every 6 attorneys

to obtain the data in the chart include the following. *2009 Survey of Law Firm Economics*, ALM Legal Intelligence, 2009. Tracy Wymer, *The Emerging Law Firm Practice*, Knoll Workplace Research, 2009.

Importantly, the Civil Division is already outgunned in its larger cases by the number of attorneys representing its opponents. Reduced support staff compounds this problem. A recent survey across the Civil Division revealed that the following problems have arisen due to the current staffing configuration.

Consumer Protection	Criminal and civil investigations are being scaled back or foregone, document management is severely strained, and exhibits are disorganized. Quality is suffering due to lack of time to review work adequately.
Radiation Exposure Compensation Act	Compliance with statutory requirements may be in jeopardy because of the administrative backlog. There will be excessive delays for individuals who risked their lives and health for the Nation.
Aviation and Admiralty	We are shifting resources from crisis project to crisis project as deadlines approach. We are unable to prepare legal work products in a professional way.
Fraud	Caseloads are increasing as we suffer attrition, and we are not able to conduct investigations as thoroughly. For example, recently, there was a substantial setback in a major case due to poor copying of key evidence.
Intellectual Property	Some work is simply not getting done, for example, proofreading and filing documents. Inadequate review results in poorer final products. Plus, today’s problems cause unnecessary future problems as staff struggle to locate disorganized documents needed for trial.
Constitutional Torts	Work related to the discovery process, including client coordination, witness review, and trial preparation is faltering.
Immigration Litigation	A 33-percent reduction in certain support positions over the past two years is delaying time-sensitive work.
Management and Administration	The Office lost 19 positions since January 2011, at a time when planning, budget, and IT needs have surged. Currently, 69 management and administration employees support 1,368 employees in the litigating branches – representing a mere 5 percent of total staffing.

In short, the lack of essential support translates into a weakened ability to gather and review evidence, meet court deadlines, and prepare for trial, placing the Federal Government at a significant disadvantage compared to its legal adversaries. The Nation cannot afford attorney productivity to plummet with so much at stake in multi-billion dollar cases, such as Deepwater Horizon, Hurricane Katrina, and the AIG shareholders lawsuits.

Funding

Summary

FY 2012 Enacted				FY 2013 CR				FY 2014 Current Services			
Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)
340	0	319	\$42,676	278	0	259	\$37,582	278	0	259	\$37,958

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position	Number of Positions to be Filled	FY 2014 Request (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)
Paralegals	\$90,795	14	\$1,270	
Professional Support	169,112	1	169	
Clerical Support	80,765	2	161	
Total Personnel		17	\$1,600	\$0

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit	Quantity	FY 2014 Request (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)
Total Non-Personnel			\$0	\$0

Total Request for this Item

	Pos	Agt/ Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)
Current Services	278	0	259	\$37,958	\$0	\$37,958	
Increases	0	0	0	1,600	0	1,600	
Grand Total	278	0	259	\$39,558	\$0	\$39,558	\$0

Civil Division

Recouping Taxpayer Dollars * Upholding Congressional Statutes * Averting Treasury Payouts



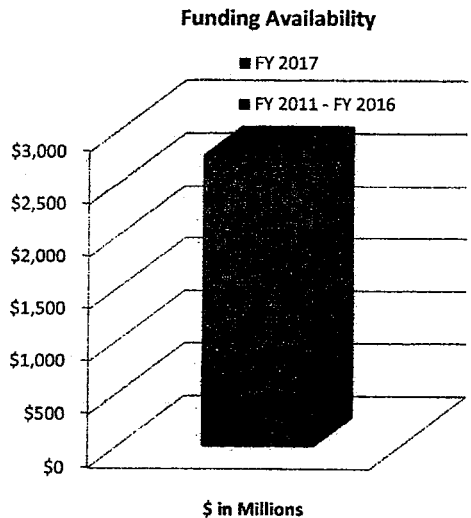
SEPTEMBER 11TH VICTIM COMPENSATION FUND

Background

The James Zadroga 9/11 Health and Compensation Act of 2010 ("the Act") became law on January 2, 2011. Title II of the Act reopened the September 11th Victim Compensation Fund of 2001 ("the Fund"). The Act required a Special Master, appointed by the Attorney General, to provide compensation to any individual or personal representative of a deceased individual who suffered physical harm as a result of the terrorist-related aircraft crashes of September 11, 2001, or the debris removal efforts that took place in the immediate aftermath. The Act also amended the original statute by adding new categories of beneficiaries, setting new filing deadlines, and listing health conditions and diseases—including certain types of cancers—to be covered by the Fund. Sheila Birnbaum, the appointed Special Master, issued final regulations that reopened the Fund, on October 3, 2011.

Program Funding

Congress appropriated a total of \$2.775 billion for award payments and administrative expenses needed to operate the Fund. The Act makes available \$875 million of the \$2.775 billion, approximately 31 percent, to be used during the Fund's five years of operation, FY 2011 – FY 2016. The remaining \$1.9 billion will be distributed in FY 2017, after the Fund has closed and can no longer receive claims. To ensure that the \$875 million cap is not exceeded during the five-year period and that all eligible claimants receive some award, the Special Master will prorate and reduce the amount of compensation paid to claimants to ensure that all entitled claimants receive an initial award from their claim.



Civil Division

Recouping Taxpayer Dollars * Upholding Congressional Statutes * Averting Treasury Payouts

Administrative Costs

The Civil Division is providing administrative support for the Special Master and her staff. Civil oversees a variety of support services, such as database development and maintenance, claims intake, case management, staffing a call center, statistical analysis and reporting, inter-agency coordination, and other vital activities. The Special Master and Deputy Special Master are providing legal services at no cost. Claims reviewers were hired as special government employees, and their legal services are being charged to the Fund. Every attempt is made to keep such costs to a minimum.

Claims Activity

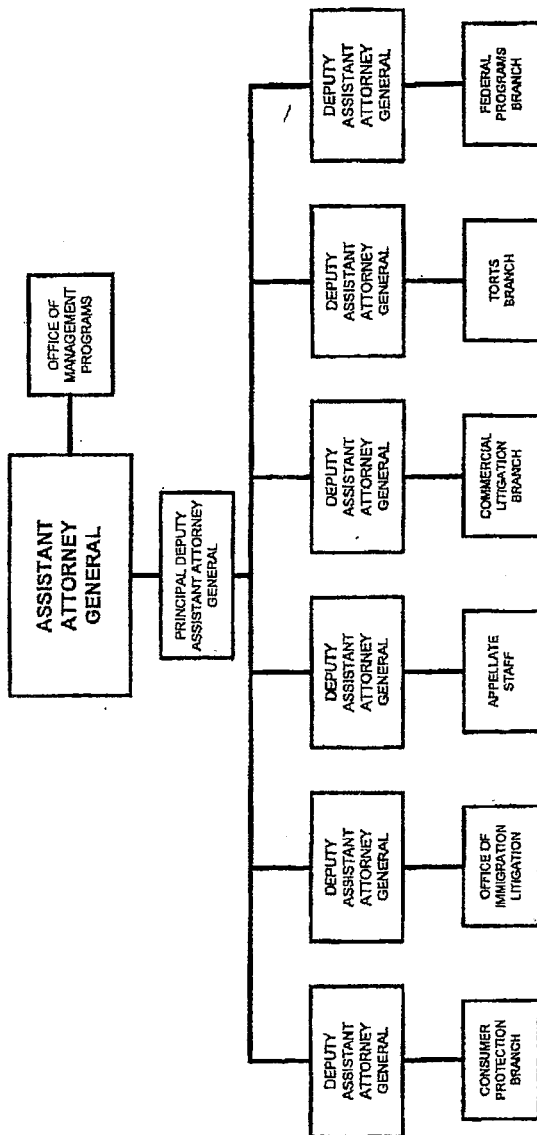
FY 2013 and FY 2014 are expected to be active years for the Fund because: 1) a large number of claims are expected to be filed in FY 2013; and 2) a large number of initial awards are expected to be paid in FY 2014. According to the Act, claimants have two years to submit a claim if they knew, or reasonably should have known, of their illness or injury at the time of the Fund's reopening. Because the majority of potential claimants are likely to be injured or sick at the time of the Fund's reopening (October 3, 2011), they must apply before the two year deadline of October 3, 2013. In similar situations, claimants typically have waited until shortly before the deadline to apply. Thus, a high number of claims are expected to arrive in the fourth quarter of FY 2013. Nonetheless, a large number of awards payments are expected to occur in FY 2014, after the two-year window because of the following factors.

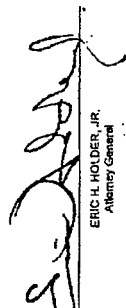
- (1) In many cases, the Fund does not receive all of the required documentation needed to evaluate a claim. Claimants are given an opportunity to submit supporting materials to complete their applications after the October 3, 2013, deadline.
- (2) According to the Act, the Special Master has 120 days to adjudicate a claim once it is deemed substantially complete.

The following chart provides the estimated number of claims filed and claims awarded during the entire lifetime of the Fund (as of January 29, 2013). Currently, it is estimated that the first payment reflects 10 percent of the total value of the claim.

FY 2011 – FY 2016 Estimated Claims and Awards	
Estimated Population	681,255
Estimated Total Number of Claims to be Filed	34,447
Estimated Number of Awards to be Made	26,475

CIVIL DIVISION



Approved by: 
 ERIC H. HOLDER, JR.
 Attorney General

Date: April 3, 2012

B. Summary of Requirements

Summary of Requirements
Civil Division
Salaries and Expenses
(Dollars in Thousands)

	2013 Enacted	2014 Request
	Direct Pos.	Estimate FTE
	Amount	Amount
2013 Enacted	1,420	1,326
2013 Continuing Resolution		
2013 CR 0.51% Increase		
Total 2013 Continuing Resolution	1,420	1,233
Technical Adjustments		
Adjustment - 2013 CR 0.612%	0	0
Base Adjustments		
Transfers		
JOCS and JCON STS	0	0
Office of Information Policy (OIP)	0	0
Professional Responsibility Advisory Office (PRAO)	343	343
Subtotal Transfers	343	343
Pay and Benefits		
Contract	0	0
Other Health and Facilities	0	0
Other Adjustments	0	0
Food Expenses	0	0
Total Base Adjustments	0	0
Total Technical and Base Adjustments	343	343
2014 Current Services	1,420	1,233
Program Changes		
Increases		
Financial and Mortgage Fraud	51	26
Attorney Proactivity Initiative	0	0
Subtotal, Increases	51	26
2014 Total Request	1,471	1,259
2012 - 2014 Total Change	51	-67
		14,210

Note: The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

B. Summary of Requirements

Summary of Requirements
Civil District Court
Salaries and Expenses
(Dollars in Thousands)

Program Activity	2012 Appropriation Enacted			2013 Continuing Resolution*			2014 Technical and Base Adjustments			2014 Current Services		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Legal Representation	1,420	1,326	\$283,103	1,420	1,233	\$284,836	0	0	\$3,877	1,420	1,233	\$288,713
Reimbursable FTE												
Total Direct and Reimb. FTE	1,420	1,326	283,103	1,420	1,233	284,836	0	0	3,877	1,420	1,233	288,713
Other FTE:												
Overtime		3			8						8	
Grand Total FTE		1,441			1,365						1,365	

Program Activity	2014 Increases			2014 Offsets			2014 Request		
	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Legal Representation	51	26	\$8,600	0	0	0	1,471	1,269	\$287,413
Reimbursable FTE									
Total Direct	51	26	8,600	0	0	0	1,471	1,269	287,413
Other FTE:									
Overtime		0			0			1,363	
Grand Total FTE		26			0			8	
								1,391	

* The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

FY 2014 Program Increases/Offsets by Decision Unit
Civil Division
Salaries and Expenses
(Dollars in Thousands)

Program Increases	Location of Description by Program Activity	Legal Representation				Total Increases			
		Direct Pos.	Ag/L Atty.	Est. FTE	Amount	Direct Pos.	Ag/L Atty.	Est. FTE	Amount
Financial and Mortgage Fraud Attorney Productivity Initiative	Legal Representation Legal Representation	51 0	32 0	26 0	\$7,000 1,600	51 0	32 0	26 0	\$7,000 1,600
Total Program Increases		51	32	26	8,600	51	32	26	8,600

Resources by Department of Justice Strategic Goal/Objective

Civil Division
Salaries and Expenses
(dollars in thousands)

Strategic Goal and Strategic Objective	2012 Appropriation Enacted			2013 Continuing Resolution			2014 Current Services			2014 Increases			2014 Offsets			2014 Total Request		
	Direct	Reimb	FTE	Direct	Reimb	FTE	Direct	Reimb	FTE	Direct	Reimb	FTE	Direct	Reimb	FTE	Direct	Reimb	FTE
Goal 2: Prevent Crime, Protect the Rights of the American People, and enforce Federal Law																		
2.4 Combat corruption, economic crimes, and international organized crime.	58	\$16,034		58	\$16,034		58	\$16,338		28	\$7,000					84	\$23,338	
2.6 Protect the federal fisc and defend the interests of the United States.	1,380	\$267,689		1,299	\$268,802		1,299	\$272,375		0	\$1,600					1,299	\$273,975	
Total, Goal 2	1,438	283,723		1,357	284,836		1,357	288,713		26	8,600		0	0	0	1,383	297,313	

Note: Excludes Balance Rescission and/or Supplemental Appropriations.

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

Justification for Technical and Base Adjustments

City Division
Salaries and Expenses
(Dollars in thousands)

	Direct Pos.	Estimate FTE	Amount
Technical Adjustments			
1. Adjustment - 2013 CR 0.612% PL 112-175 section 101 (c) provided 0.612% across the board increase above the current rate for the 2013 CR funding level. This adjustment reverses this increase.	0	0	-1,733
Transfers			
1. JCON and JCON STIS A transfer of \$1,728,000 is included in support of the Department's Justice Consolidated Office Network (JCON) and JCON STIS programs which will be moved to the Working Capital Fund and provided as a billable service in FY 2014.	0	0	1,728
2. Office of Information Policy (OIP) The component transfers for the Office of Information Policy (OIP) into the General Administration appropriation will centralize appropriated funding and eliminate the current reimbursable financing process. The centralization of the funding is administratively advantageous because it eliminates the paper-intensive reimbursement process.	0	0	-35
3. Professional Responsibility Advisory Office (PRAO) The component transfers for the Professional Responsibility Advisory Office (PRAO) into the General Administration appropriation will centralize appropriated funding and eliminate the current reimbursable financing process. The centralization of the funding is administratively advantageous because it eliminates the paper-intensive reimbursement process.	0	0	-343
Subtotal, Transfers	0	0	1,350
Pay and Benefits			
1. 2014 Pay Raise This request provides for a proposed 1 percent pay raise to be effective in January of 2014. The increase only includes the benefit pay raises. The amount requested, \$1,412,000 represents the pay amounts for 34 of the fiscal year plus appropriate benefits (\$1,102,000 for pay and \$310,000 for benefits).	0	0	1,412
2. Annualization of 2013 Pay Raise This pay annualization represents first quarter amounts (October through December) of the 2013 pay increase of 0.5% included in the 2013 budget. The amount requested \$246,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$192,000 for pay and \$54,000 for benefits).	0	0	246
3. Employee Compensation Fund The requested decrease of \$60,000 reflects anticipated changes in payments to the Department of Labor for injury benefits under the Federal Employee Compensation Act.	0	0	-60
4. Health Insurance Effective January 1, 2014, the component's contribution to Federal employees' health insurance increases by eight percent. Applied against the 2013 estimate of \$11,243,000 the additional amount required is \$853,000.	0	0	853
5. Retirement Agreement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DOJ will receive contributions from CSRS to FERS at a rate of 1.3 percent per year. The requested increase of \$397,000 is necessary to meet our increased retirement obligations as a result of this conversion.	0	0	397
Subtotal, Pay and Benefits	0	0	2,818
Domestic Rent and Facilities			
1. Guard Services This includes Department of Homeland Security (DHS) Federal Protective Service charges, Justice Protective Service charges and other security services across the country. The requested decrease of \$114,000 is required to meet these commitments.	0	0	-114
2. Records License Expirations Records Management Agency pay relocation costs associated with lease expirations. The request provides for the costs associated with new office relocations caused by the expiration of leases in FY 2014.	0	0	1,464
Subtotal, Domestic Rent and Facilities	0	0	1,350

Justification for Technical and Base Adjustments

Civil Division
Salaries and Expenses
(Dollars in Thousands)

	Direct Pos.	Estimate FTE	Amount
Other Adjustments			
1 WCF Rate Adjustments. The Department's Working Capital Fund (WCF) provides Department components with centralized administrative and infrastructure support services. The WCF is a cost effective mechanism that eliminates duplication of effort and promotes economies of scale through consolidation and centralization. Initial year adjustments are required to account for pay adjustments, contract renewals, and information technology maintenance and technology refreshment upgrades. Funding of \$86,000 is required for this account.			
Foreign Expenses			
1 Information Cooperative Administrative Support Services (ICASS): Under the ICASS agreement, the Department of State is authorized to request administrative support based on the overseas staff of each federal agency. This request is based on the projected FY 2013 bill for post invoices and other ICASS costs.			
2 Overseas Capital Security Cost Sharing (CS2S) The Department of State (DOS) is in the midst of a multi-year capital security construction program, with a plan to build and maintain new diplomatic facilities in order to meet the increased security requirements set by the Secure Embassies Construction Act. As authorized by P.L. 108-447 and subsequent acts, "all diplomatic facilities subject to other of mission authority... shall participate and provide funding in advance for their share of costs of providing capital security to other diplomatic facilities, without offsets, on the basis of the total overseas presence of each agency as determined by the Secretary of State." Originally authorized for FY2000-2004, the program has been extended annually by OMB and Congress and has also been expanded beyond new embassy construction to include maintenance and renovation costs of the new facilities. For the purpose of this program, DOS's personnel totals for DOJ include current and projected staffing. The estimated cost to the Department, as provided by DOS, for FY 2014 is \$79.1 million. The Civil Division currently has one position overseas, and a funding decrease of \$15,000 is requested for this account.			
TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS			Subtotal, Foreign Expenses
			-15
			-14
			3,877

Crosswalk of 2012 Availability

Civil Division
Salaries and Expenses
(Dollars in Thousands)

Program Activity	2012 Appropriation Enacted w/o Balance Reclassification			Reprogramming/Transfers			Reallocations			Carryover		Recoveries/ Refunds		2012 Availability	
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Amount	Amount	Amount	Amount	Direct Pos.	Actual FTE
Legal Representation	1,420	1,326	\$283,103	0	0	0	0	0	\$557	\$1,106	\$234	\$234	\$285,000	1,420	1,326
Total Direct	1,420	1,326	\$283,103	0	0	0	0	0	\$557	\$1,106	\$234	\$234	\$285,000	1,420	1,326
Reimbursable FTE		112			0			0							112
Total Direct and Reimb. FTE		1,438			0			0							1,438
Other FTE:															
Overruns		3			0			0							3
Grand Total FTE		1,441			0			0							1,441

Reallocations: Funds were reallocated from GLA's ALS account to the Civil Division for Automated Litigation Support.

Carryover/Recoveries: Funds were carried over into FY 2012 from GLA's No-Year account and GLA's VCRP No-Year account.

Crosswalk of 2013 Availability
 Civil Division
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	2013 Continuing Resolution*			2013 Reprogramming/Transfers			2013 Carryover Amount	2013 Recoveries/Refunds Amount	2013 Availability		
	Direct Pos.	Estim. FTE	Amount	Direct Pos.	Estim. FTE	Amount			Direct Pos.	Estim. FTE	Amount
Legal Representation	1,420	1,233	\$284,836	0	0	0	\$517	\$1	1,420	1,233	\$285,354
Total Direct	1,420	1,233	284,836	0	0	0	517	1	1,420	1,233	285,354
Reimbursable FTE		124			0		0			124	
Total Direct and Reimb. FTE		1,357			0		517			1,357	
Other FTE: Overtime		8			0		0			8	
Grand Total, FTE		1,365			0		517			1,365	

Carryover/Recoveries: Funds were carried over into FY 2013 from GLA's No-Year account and GLA's VCRP No-Year account.

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-75, Section 101 (c)).

Summary of Reimbursable Resources

Civil Division
Salaries and Expenses
(Dollars in Thousands)

Collections by Source	2012 Actual		2013 Planned		2014 Request		Increase/Decrease	
	Reimb. Pos.	Amount FTE	Reimb. Pos.	Amount FTE	Reimb. Pos.	Amount FTE	Reimb. Pos.	Amount FTE
Office of Debt Collection		\$34,701		\$47,086		\$47,086	0	0
Department of the Navy		1,305		1,589		1,589	0	0
Department of the Air Force		1,585		447		447	0	0
Department of the Army		532		200		200	0	0
Corps of Engineers		5,073		0		0	0	0
Department of Energy		2,535		2,073		2,073	0	0
Department of Treasury, Vaccine Injury Compensation		7,833	41	7,833		7,833	0	0
Department of Agriculture		679		413		413	0	0
Department of Interior	34	114		200		200	0	0
Department of Transportation		810		20		20	0	0
Department of Veterans Affairs		304		217		217	0	0
Department of Labor		173		0		0	0	0
Health Care Fraud and Abuse Account	78	28,454	83	28,454	83	28,454	0	0
Food and Drug Administration		1,527		1,000		1,000	0	0
Department of Justice		1,159		0		0	0	0
Department of Treasury		3,318		2,130		2,130	0	0
US Attorneys		1,468		337		337	0	0
Department of Justice (Justice Management Division)		9,030		5,000		5,000	0	0
District of Columbia		900		712		712	0	0
9-11 Victims Compensation Fund		40		0		0	0	0
Bureau of Alcohol, Tobacco and Firearms		260		170		170	0	0
Commodity Futures Trading Commission		770		527		527	0	0
Consumer Financial Protection Bureau		550		0		0	0	0
Department of Justice (Deepwater)		717		0		0	0	0
Department of Education		2		0		0	0	0
Department of Housing and Urban Development		163		120		120	0	0
NASA		3		138		138	0	0
National Labor Relations Board		1		0		0	0	0
Office of Personnel Management		24		0		0	0	0
Office of the Vice President		27		0		0	0	0
Office of Attorney Recruitment		10		17		17	0	0
US Consumer Product Safety Commission		39		338		338	0	0
The White House		0		30		30	0	0
Asset Forfeiture Fund		0		150		150	0	0
Department of Commerce		20		0		0	0	0
Federal Reserve Board		0		0		0	0	0
Department of Health and Human Services		0		0		0	0	0
Budgetary Resources	0	112	0	124	0	124	0	99,240

Obligations by Program Activity	2012 Actual		2013 Planned		2014 Request		Increase/Decrease	
	Reimb. Pos.	Amount FTE	Reimb. Pos.	Amount FTE	Reimb. Pos.	Amount FTE	Reimb. Pos.	Amount FTE
Legal Representation	0	112	0	124	0	124	0	0
Budgetary Resources	0	112	0	124	0	124	0	99,240

Detail of Permanent Positions by Category

Civil Division
Salaries and Expenses
(Dollars in Thousands)

Category	2012 Appropriation Enacted		2013 Continuing Resolution		2014 Request	
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.	Program Increases	Total Direct Pos.
Attorneys	1,020	0	1,020	0	32	1,052
Paralegals	150	0	150	0	7	157
Clerical and Other	250	0	250	0	12	262
Total	1,420	0	1,420	0	51	1,471
Headquarters (Washington, D.C.)	1,400	0	1,398	0	51	1,449
U.S. Field	19	0	21	0	0	21
Foreign Field	1	0	1	0	0	1
Total	1,420	0	1,420	0	51	1,471

Financial Analysis of Program Changes

Civil Division
Salaries and Expenses
(Dollars in Thousands)

Grades	Financial and Mortgage Fraud		Legal Representation		Total Program Changes	
	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount
GS-14	32	\$3,923	0	\$106	32	\$4,029
GS-12	11	847	0	0	11	847
GS-7	7	314	0	614	7	928
GS-5	1	35	0	68	1	103
Total Positions and Annual Amount	51	5,119	0	788	51	5,907
Lapse (c)	-26	-2,559	0	0	-26	-2,559
11.5 Other Personnel Compensation	4	4	8	8	12	12
Total FTEs and Personnel Compensation	26	2,564	0	796	26	3,360
12.0 Personnel benefits		691		238		929
21.0 Travel and Transportation of Persons		100		10		110
22.0 Transportation of Things		21		13		34
23.3 Communications, Utilities, and Miscellaneous Charges		68		63		131
24.0 Printing and Reproduction		40		23		63
25.2 Other Services from Non-Federal Sources		2,261		51		2,312
25.3 Other Goods and Services from Federal Sources		239		89		328
25.6 Medical Care		2		1		3
26.0 Supplies and Materials		36		19		55
31.0 Equipment		276		63		339
32.0 Land and Structures		702		234		936
Total Program Change Requests	26	7,000	0	1,600	26	8,600

K. Summary of Requirements by Grade

Summary of Requirements by Grade
Civil Division
Salaries and Expenses
(Dollars in Thousands)

Grades and Salary Ranges		2012 Enacted		2013 Continuing Resolution		2014 Request		Increase/Decrease	
		Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount
EX	\$ 145,700 - 199,700	1		1		1		0	
SES/SL	\$ 119,554 - 179,700	43		43		43		0	
GS-15	\$ 123,758 - 155,500	740		740		740		0	
GS-14	\$ 105,211 - 136,771	153		153		185		32	
GS-13	\$ 89,033 - 115,742	96		96		96		0	
GS-12	\$ 74,872 - 97,333	56		56		67		11	
GS-11	\$ 62,467 - 81,204	109		109		109		0	
GS-10	\$ 56,857 - 73,917	7		7		7		0	
GS-9	\$ 51,630 - 67,114	81		81		81		0	
GS-8	\$ 46,745 - 60,765	28		28		28		0	
GS-7	\$ 42,209 - 54,875	84		84		91		7	
GS-6	\$ 37,983 - 49,375	6		6		6		0	
GS-5	\$ 37,075 - 44,293	15		15		16		1	
GS-4	\$ 30,456 - 39,590	0		0		0		0	
GS-3	\$ 27,130 - 35,268	1		1		1		0	
GS-2	\$ 24,865 - 31,292	0		0		0		0	
GS-1	\$ 22,115 - 27,663	0		0		0		0	
Total, Appropriated Positions		1,420		1,420		1,471		51	
Average SES Salary			\$179,147		\$180,043		\$181,843		
Average GS Salary			114,754		115,328		116,481		
Average GS Grade			14		14		14		

L. Summary of Requirements by Object Class

Summary of Requirements by Object Class

Civil Division

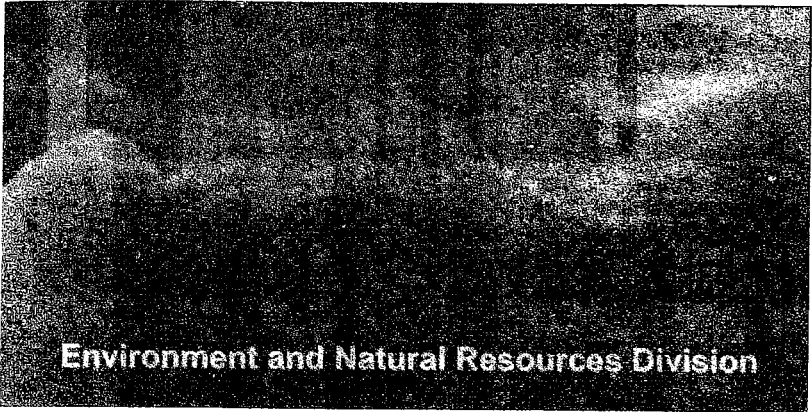
Salaries and Expenses

(Dollars in Thousands)

Object Class	2012 Actual		2013 Availability*		2014 Request		Increase/Decrease	
	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 Full-Time Permanent	1,239	\$144,448	1,177	\$144,305	1,203	\$149,182	26	\$4,877
11.3 Other than Full-Time Permanent	87	8,505	56	4,778	56	4,819	0	41
11.5 Other Personnel Compensation	3	1,188	8	1,190	8	1,196	0	6
Overtime	3	244	8	244	8	244	0	0
Other Compensation	0	944	0	946	0	952	0	6
11.8 Special Personal Services Payments	0	181	0	200	0	200	0	0
Total	1,329	154,322	1,241	150,473	1,267	155,397	26	4,924
Other Object Classes								
12.0 Personnel Benefits		42,695		42,738		45,256		2,518
13.0 Benefits for former personnel		10		10		10		0
21.0 Travel and Transportation of Persons		3,548		3,390		3,515		125
22.0 Transportation of Things		974		937		969		32
23.1 Rental Payments to GSA		32,132		31,993		31,993		0
23.2 Rental Payments to Others		601		578		578		0
23.3 Communications, Utilities, and Miscellaneous Charges		4,615		5,036		5,161		125
24.0 Printing and Reproduction		1,023		1,024		1,086		62
24.1 Advisory and Assistance Services		880		1,000		1,000		0
25.1 Other Services from Non-Federal Sources		31,745		37,844		37,490		-354
25.3 Other Goods and Services from Federal Sources		6,929		7,488		9,232		1,744
25.4 Operation and Maintenance of Facilities		1		0		0		0
25.6 Medical Care		114		117		118		1
25.7 Operation and Maintenance of Equipment		305		276		276		0
31.0 Equipment		1,390		1,390		1,383		53
32.0 Land and Structures		1,005		1,120		1,456		336
42.0 Insurance Claims and Indemnities		709		0		2,393		2,393
Total Obligations		282,998		285,354		297,313		11,959
Subtract - Reallocations		-557		-57		0		0
Subtract - Unobligated Balance, Start-of-Year		-1,106		-517		0		517
Subtract - Recoveries/Refunds		-234		-1		0		1
Add - Unobligated End-of-Year, Available		517		0		0		0
Add - Unobligated End-of-Year, Expiring		1,485		0		0		0
Total Direct Requirements	0	283,103	0	284,836	0	297,313	0	12,477
Reimbursable FTE								
Full-Time Permanent	112		124		124		0	
23.1 Rental Payments to GSA (Reimbursable)		2,249		3,556		3,555		0
25.3 Other Goods and Services from Federal Sources - DHS Security (Reimbursable)		124		117		117		0

*The 2013 Continuing Resolution includes the 0.812% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (e)).

U.S. Department of Justice



FY 2014

PERFORMANCE BUDGET

CONGRESSIONAL SUBMISSION

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Cover photo of Glacier National Park from DOJ/ENRD Employee Photo Contest.

I. Overview of the Environment and Natural Resources Division

A. Introduction:

Environment and Natural Resources Division (ENRD) Mission: The Environment and Natural Resources Division is a core litigating component of the U.S. Department of Justice. Founded more than a century ago, it has built a distinguished record of legal excellence. The Division functions as the Nation's environmental and natural resources lawyer, representing virtually every federal agency in courts across the United States, and its territories and possessions in civil and criminal cases that arise under more than 150 federal statutes. Key client agencies are the U.S. Environmental Protection Agency (EPA), the U.S. Department of the Interior, the U.S. Army Corps of Engineers, the U.S. Department of Commerce, the U.S. Department of Agriculture, the U.S. Department of Homeland Security, the U.S. Department of Energy and the U.S. Department of Defense, among others. The Division's litigation docket contains almost 7,000 active cases and matters.

The Division is currently organized into nine litigating sections (Appellate; Environmental Crimes; Environmental Defense; Environmental Enforcement; Indian Resources; Land Acquisition; Law and Policy; Natural Resources; and Wildlife and Marine Resources), and an Executive Office that provides administrative support. ENRD has a staff of nearly 650, more than 400 of whom are attorneys.

The Division is guided by its core mission, which has four key elements:

- Strong enforcement of civil and criminal environmental laws to ensure clean air, clean water, and clean land for all Americans;
- Vigorous defense of environmental, wildlife and natural resources laws and agency actions;
- Effective representation of the United States in matters concerning the stewardship of our public lands and natural resources; and
- Vigilant protection of tribal sovereignty, tribal lands and resources, and tribal treaty rights.

To accomplish this mission in **FY 2014**, the Division is requesting a total of **\$112,632,000** including **537 positions (370 attorneys)**, and **520 Full-Time Equivalents (FTE)**.

All communities deserve clean air, water and land in the places where they live, work, play and learn. The Division strives to ensure that all communities are protected from environmental harms, including those low-income, minority and tribal communities that too frequently live in areas overburdened by pollution. ENRD pursues the goals of Environmental Justice by ensuring that everyone enjoys the benefit of a fair and even-handed application of the nation's environmental laws, and affected communities have a meaningful opportunity for input in the consideration of appropriate remedies for violations of the law.

ENRD also litigates to protect the Nation's public lands and resources, ensuring that these lands are protected and the Treasury collects the royalties and payments owed to the United

States. The Division also litigates to protect almost 60 million acres of land, and accompanying natural resources, that the United States holds in trust for tribes and their members.

ENRD's work furthers the Department's strategic goals to prevent crime and enforce federal laws, defend the interests of the United States, promote national security, and ensure the fair administration of justice at the federal, state, local, and tribal levels. Most important, the Division's efforts result in significant public health and other direct benefits to the American people through the reduction of pollution across the Nation and the protection of important natural resources.

Every day, the Division works with client agencies, U.S. Attorneys' Offices, and state, local and tribal governments, to enforce federal environmental, natural resources, and wildlife laws. It also defends federal agency actions and rules when they are challenged in the courts, working to keep the Nation's air, water and land free of pollution, advancing military preparedness and national security, promoting the nation's energy independence, and supporting other important missions of our agency clients. The Division acquires land for purposes ranging from national parks to national security, protects tribal lands and natural resources, and works to fulfill the United States' trust obligations to Indian tribes and their members.

ENRD performs its work with the constant understanding that our operations are funded by limited taxpayer dollars. Over the past few years, as described below, we have taken deliberate steps to reduce costs/services and limit resource expenditures. We take our role as responsible custodians of the public fisc very seriously; and we are proud of the short and long-term cost saving measures and efficiencies we have implemented to date.

Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.justice.gov/02organizations/bpp.htm>.

B. Issues, Outcomes, and Strategies:

As the Nation's chief environmental and public lands litigator, ENRD primarily supports the Justice Department's Strategic Goal Two: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law.

The Division initiates and pursues legal action to enforce federal pollution abatement laws and obtain compliance with environmental protection and conservation statutes. ENRD also represents the United States in all matters concerning protection, use, and development of the nation's natural resources and public lands. The Division defends suits challenging all of the foregoing laws, and fulfills the federal government's responsibility to litigate on behalf of Indian tribes and individual Indians. ENRD's legal successes protect the federal fisc, reduce harmful discharges into the air, water, and land, enable clean-up of contaminated waste sites, and ensure proper disposal of solid and hazardous waste.

In affirmative litigation, ENRD obtains redress for past violations harming the environment, ensures that violators of criminal statutes are appropriately punished, establishes credible

deterrents against future violations of these laws, recoups federal funds spent to abate environmental contamination, and obtains money to restore or replace natural resources damaged by oil spills or the release of other hazardous substances into the environment. ENRD also ensures that the federal government receives appropriate royalties and income from activities on public lands and waters.

By vigorously prosecuting environmental criminals, ENRD spurs improvements in industry practice and greater environmental compliance. Additionally, the Division obtains penalties and fines against violators, thereby removing the economic benefits of non-compliance and leveling the playing field so that companies complying with environmental laws do not suffer competitive disadvantages.

In defensive litigation, ENRD represents the United States in challenges to federal environmental and conservation programs and all matters concerning the protection, use, and development of the nation's public lands and natural resources. ENRD faces a growing workload in a wide variety of natural resource areas, including litigation over water quality and watersheds, the management of public lands and natural resources, endangered species and sensitive habitats, and land acquisition and exchanges. The Division is increasingly called upon to defend Department of Defense training and operations necessary to military readiness and national defense.

The Division's current top enforcement priority is to hold fully accountable those responsible for the tragic loss of life and disastrous oil spill in the Gulf of Mexico. The Deepwater Horizon oil spill began on April 20, 2010, when explosions and fires destroyed the Mobile Offshore Drilling Rig Deepwater Horizon approximately 50 miles from the Mississippi River delta. Eleven people aboard the rig tragically lost their lives; many other men and women were injured. Oil flowed into the Gulf of Mexico for months. Ultimately, the Macondo Well was sealed on September 19, 2010, nearly five months after the blowout began. By that time, millions of barrels of oil had been discharged into the Gulf and upon adjoining shorelines, causing immense environmental and economic harm to the entire region.

In December 2010, as part of the multi-district litigation in the Eastern District of Louisiana, the United States brought suit against BP, Anadarko, MOEX, Transocean and others for civil penalties under the Clean Water Act and a declaration of liability under the Oil Pollution Act. Litigation in this unprecedented case is ongoing. Since filing its enforcement action, ENRD, in concert with the Civil Division, has taken or defended over 400 depositions, produced some 97 million pages in discovery, and tried the first of what is scheduled to be several phases of trial. In a massive, historic trial that began on February 25, 2013, the United States intends to prove that violations of federal safety and operational regulations caused or contributed to the oil spill and that the named defendants (not including insurers) are jointly and severally liable, without limitation, under the Oil Pollution Act for government removal costs, economic losses, and damage to natural resources due to the oil spill. The United States seeks civil penalties under the Clean Water Act, which prohibits the unauthorized discharge of oil into the nation's waters. Because the defendants face civil penalty amounts in the billions of dollars, the breadth and depth of the defense they have mounted is unprecedented in an environmental case.

The immense and unprecedented discovery requirements involved in the Deepwater litigation, including the first phase of the massive civil trial that began on February 25, 2013, will likely continue through later trial phases even as the first phase proceeds. The outcome of the Department's affirmative civil litigation is likely to be historic in the scale and scope of penalties and other redress we secure for the Nation.

In February 2012, the government reached a settlement agreement with MOEX, a minority lease holder in the BP well, for \$70 million in civil penalties.

During fiscal year 2012, the Department continued its criminal investigation of the spill. The investigation is being conducted by the Deepwater Horizon Task Force, which was formed in March 2011 to consolidate the efforts of the Department's Criminal Division, ENRD, and the U.S. Attorney for the Eastern District of Louisiana.

In February 2013, the U.S. District Court for the Eastern District of Louisiana approved a civil enforcement settlement and a criminal-plea agreement proposed by the United States for various Transocean companies – the owners and operators of the Deepwater Horizon. Under those settlements, the Transocean entities will pay penalties and fines totaling \$1.4 billion – a record-setting, \$1 billion in civil penalties (exclusive of the value of injunctive relief) plus another \$400 million in criminal fines and related criminal relief.

Additionally, the Division supported the ongoing interagency administrative response critical to avoiding future disasters and to continuing responsible and safe drilling in the Gulf of Mexico and elsewhere. We were able to successfully resolve a number of high profile and contentious cases filed against client agencies arising from the Deepwater Horizon oil spill. Finally, ENRD continues to support the Gulf Coast Ecosystem Restoration Task Force, established by Executive Order and responsible in an advisory capacity for coordinating efforts to restore the Gulf Coast Region. The Task Force is responsible for coordinating intergovernmental responsibilities, planning and exchanging information so as to better implement Gulf Coast ecosystem restoration, and facilitating appropriate accountability and support throughout the restoration process.

C. Performance Challenges:

External Challenges

The Division has limited control over the filing of defensive cases, which make up nearly half of our workload. Court schedules and deadlines drive the pace of work and attorney time devoted to these cases. ENRD's defensive caseload is expected to continue to increase in FY 2014 as a result of numerous external factors.

- The Division faces a huge influx of litigation under a 19th Century federal statute, commonly known as "R.S. 2477," which "recognized" the "right of way for the construction of highways over public lands, not reserved for public uses." The largest component of this docket is defensive litigation under the Quiet Title Act, 28 U.S.C. § 2409a, in which ENRD defends against claims, mostly by western states and counties, to

R.S. 2477 rights-of-way on lands owned by the United States and managed by federal agencies. Since late 2011, we have witnessed an explosion in our R.S. 2477 caseload – the State of Utah alone has filed twenty-four new suits, covering 13,404 roads, against the federal government. Our local federal partners have indicated that they do not have resources available to help us litigate these important and time-consuming cases. This caseload involves extensive discovery, 'ancient' historical facts, significant motion practice, and *de novo* trials.

- In FY 2013 and FY 2014, the Division anticipates that one to two of its **Tribal Trust cases** will go to trial. Those cases that do not proceed to trial during that time frame will have advanced in litigation, in formal alternative dispute resolution (ADR), or in informal settlement discussions, such that the Division will have to invest extensive resources to acquire, review, and produce documents and data, to take and defend depositions, to inform the United States' responses to interrogatories, or to respond to informal discovery requests, so as to enable or support ADR or informal settlement discussions. Further, based on currently available information, the Division anticipates that 10-15 new tribes, maybe more, will file Tribal Trust cases in federal district court or the Court of Federal Claims. In the Tribal Trust cases, ENRD defends the United States in lawsuits brought by various Indian tribes, alleging that the government has breached its trust duties and responsibilities to the tribes by failing to provide "full and complete" historical accountings of tribal trust funds and non-monetary trust resources, failing to administer properly tribal accounts that receive revenues from economic activity on tribal trust lands, and failing to manage non-monetary tribal trust resources appropriately. While the Division has achieved success by reaching settlements with 64 tribes in 38 cases to date, there still remain 40 tribes that are maintaining 36 Tribal Trust cases in various district courts and in the United States Court of Federal Claims against the government. Thus, the Tribal Trust litigation – and ENRD's needs so that it can continue to defend the best interests of the government – will continue in full force for the foreseeable future.
- The Environment and Natural Resources Division continues to devote significant resources to condemnation proceedings along the U.S. border with Mexico, related to the **Secure Border Initiative** (SBI). In order to build the Southwest border fence, ENRD's Land Acquisition Section exercised the government's eminent domain powers (under the Fifth Amendment of the Constitution) to acquire hundreds of miles of privately-owned property on behalf of the Department of Homeland Security and the Army Corps of Engineers. Valuation litigation, which will proceed into FY 2014, is the most resource-intensive stage of these actions, and we are currently in the midst of that process. This demanding project will continue for the foreseeable future.
- ENRD supports the defense and security missions of the Department of Defense and the Department of Homeland Security. From defending environmental challenges to critical training programs that ensure military preparedness, to acquiring strategic lands needed to fulfill the government's military and homeland security missions, ENRD makes a unique and important contribution to defense and national security while ensuring compliance with the country's environmental laws. The Division expects its **Military Readiness Docket** – to include litigation to defend training missions and strategic initiatives, expand military infrastructure, and defend chemical weapons demilitarization – to continue and expand in FY 2014.

- The Division continues to deal with a dramatic expansion of its **Rails-to-Trails litigation**, in which property owners along railroad corridors allege a taking of their property interests in violation of the Fifth Amendment as a result of the operation of the National Trails System Act (“Trails Act”). The courts have held that the Trails Act precludes abandonment of the corridors under state law, and results in the conversion of the railroad line into thousands of miles of recreational trails, which are also “railbanked” for possible future railroad reactivation. The Division presently defends more than 90 such suits, involving approximately 10,000 properties in over 30 states, with estimated aggregate claims in the hundreds of millions of dollars. These cases present considerable legal challenges, as both the underlying facts and the relevant property law in the various states are generally unfavorable to the United States. These cases also present considerable resource challenges, since each property conveyance and each property valuation must be analyzed on an individual basis. The number of hours the Division devotes to these cases has more than tripled in the past few years and, with many of these cases moving into the valuation stage, the portion of the Division’s expert witness funds being applied to these cases has increased several-fold. Given the complexity of the cases, our current rails-to-trails docket will not be fully resolved for several years, and we expect to see many additional such cases being brought against the United States in the coming years.
- ENRD also expects to receive a number of new, unusually cumbersome and increasingly complex civil and criminal environmental enforcement referrals from EPA under the Clean Water Act and Clean Air Act in FY 2013 and FY 2014.
- The Division continues to be involved in water rights litigation in nearly every western state, protecting the water rights associated with public lands and tribal reservations. These adjudications generally involve thousands of claimants and, in one instance, all of the water rights claimants in a state, and are extremely resource intensive. This litigation is generally non-discretionary, since the United States has waived its sovereign immunity to suit in general stream adjudications. As a result, the United States must assert its water rights claims in such an adjudication.

Internal Challenges

ENRD faces numerous challenges in balancing available personnel and resources against workload demands. Between FY 2009 and FY 2012, ENRD’s attorney work hours (the equivalent of law firm “billable hours”) increased by 6%.^[1] Last fiscal year alone, the Division worked over 44,400 more attorney work hours than it did just three years earlier, while maintaining relatively flat attorney staffing levels. The average ENRD attorney worked 1,973 “billable” hours in FY 2012, compared to the national law firm average of 1,897 billable hours (in a firm of comparable size, as reported by the National Association for Law Placement, Inc.). Meanwhile, the Division’s ever expanding workload is expected to continue to grow in FY 2014.

^[1] DOJ/ENRD maintains a reliable and robust attorney time keeping system, in which all litigation and non-case related time is tracked contemporaneous with work being performed. The Division’s time data is audited regularly by DOJ/OIG, GAO and other parties; and the Division’s time information is relied upon by federal courts for cost recovery, attorneys’ fees, and other purposes.

Like other DOJ litigating components, we must provide resources for our attorneys that meet the changing, increasingly technological demands of the legal industry. With the introduction of new technologies and new requirements – such as e-filing, on-line document repositories, electronic trials, extranet docketing systems, etc. – we need to continually provide our workforce with the necessary hardware and systems to accommodate these business process challenges.

ENRD expects to encounter additional significant internal challenges refreshing aging hardware, developing and implementing required tracking systems, and complying with Department security mandates in FY 2014. For example, replacing the Division's 7-year old Cisco networking equipment and 6-year old network printers will cost over \$1 million. We also need to replace two mission-critical operational systems in FY 2014: our case management system (CMS) and our records management system (RMS). In addition, the Department has mandated the use of a cloud-based email system, which is expected to significantly increase ENRD's per-mail box operating costs in FY 2014.

D. Environmental Accountability

The Department's Environment and Natural Resources Division maintains a "Greening the Government" initiative in response to Executive Order 13423 (January 24, 2007), which requires all federal agencies to meet benchmarks for reductions in energy usage, water consumption, paper usage, solid waste generation, and other areas. Among other things, through the Executive Order, government agencies have been directed to reduce energy consumption by 30 percent by 2015. Congress mandated compliance with this Executive Order in recent appropriations legislation (Omnibus Appropriations Act, P. L. 111-8, §748 [2009]).

Energy Use at ENRD

Through ENRD's Greening the Government Committee, and through other management and staff efforts, ENRD continued to encourage *Best Practices* which help the Division to minimize energy use. Our Best Practices entail such things as turning off lights (not only in offices, but also common areas, rest rooms, and hallways) when they are not needed; turning off computer monitors (or setting them to an energy saving mode) when not in the office; turning off other electronic devices when not in use; removing or disabling unnecessary light fixtures; encouraging use of stairs as opposed to elevators; and encouraging other energy efficient protocols.

In addition, in FY 2011, ENRD's Executive Office, in conjunction with building management, had over 1,200 motion-activated lighting sensors installed in all Patrick Henry Building (PHB) ENRD offices and common areas. This improvement has helped us reduce energy levels within the building to FY 2006 levels of less than 8,000 kWh in keeping with Executive Order 13514, which focuses on Federal Leadership in Environmental, Energy, and Economic Performance.

The Environment Division's Information Technology (IT) staff is keenly aware of its environmental responsibilities, buying energy efficient hardware before Energy Star became a Federal government mandate. To maximize energy efficiency we have expanded our virtual server infrastructure to our COOP site and field offices (reducing the count of physical servers

by 37 percent), and we bought Dell® Energy Smart servers, an energy-saving technology that exceeds EPA's Energy Star requirements. Together, the use of virtual server technology with Energy Smart servers has reduced the Division's power requirements and heat output by 50 percent.

E. Achieving Necessary Cost Savings and Efficiencies in a Challenging Budget Environment

Over the past two fiscal years, ENRD has been engaged in an aggressive, focused effort to reduce spending and to achieve operational efficiencies. In February 2011, the Division created an internal **\$AVE Committee**, a commission of ENRD managers, attorneys, and support staff tasked with analyzing the Division's operating plan and spending reports, and identifying areas for potential cost savings. This effort – through which we have validated and confirmed that the Division is already a very “lean” and efficient organization – has been both challenging and rewarding. It has required many sacrifices in the daily work-life of ENRD's employees and it has streamlined the functional operating capacity of the Division. ENRD's \$AVE Committee identified approximately \$2 million in potential cost savings measures. Most of the cost-saving ideas proposed by the \$AVE Committee were adopted and implemented. In the Spring of 2013, the Division reincarnated the \$AVE Committee (“\$AVE2”) to look at additional and more severe potential cost-saving measures.

By way of example, through the work of ENRD's \$AVE Committee, the Division reduced the number of fax machines (and costly associated phone/data lines) by over 50 percent. The Division also reduced the number of post office boxes it rents, requiring that multiple offices share a common box. Additionally, ENRD enhanced its regular internal inter-office mail delivery route to include several local federal agency offices, so as to reduce (by literally tens of thousands of dollars a year) the cost of commercial (Fed Ex, UPS, USPS) shipping to offices in Washington, D.C. Furthermore, the \$AVE Committee significantly scaled-back the level of contractor-provided services – computer help desk, copying/graphics, mail room services – offered to Division personnel.

ENRD also implemented a number of cost saving measures in FY 2011 and FY 2012 outside the scope of the \$AVE Committee, such as eliminating retreats and substantially reducing conference travel, curtailing low priority training, significantly reducing awards, and limiting operational travel. We have relied more and more upon videoconferencing and on-line collaborative meeting technologies as a substitute for traveling. Specifically, ENRD successfully reduced its total travel expenditures by nearly \$400,000 between FY 2010 and FY 2011, and then cut travel by another \$160,000 between FY 2011 and FY 2012. We have also instituted spending controls on otherwise valuable planning and management tools out of necessity. Our FY 2012 budget was reduced relative to FY 2010 and FY 2011 funding levels and – in addition to reducing staffing levels and scaling back the size of the Division – we have had to cut the above-mentioned operational functions and services in order to remain fiscally solvent. Fortunately, most, if not all, of the cost savings measures ENRD has implemented, or will implement, will have a long-term cost reduction impact (permanently changing our operational structure and culture).

II. Summary of Program Changes

III. Appropriations Language and Analysis of Appropriations Language

Please refer to the General Legal Activities Consolidated Justifications.

IV. Decision Unit Justification

Environment and Natural Resources Division	Direct Pos.	Estimate FTE	Amount
2012 Enacted	537	531	108,009
2013 Continuing Resolution with 0.612% Increase	537	520	108,670
2013 Supplemental Appropriation – Sandy Hurricane Relief	0	0	0
Base and Technical Adjustments	0	0	3,962
2014 Current Services	537	520	112,632
2014 Request	537	520	112,632
Total Change 2012-2014	0	0	4,623

Environment and Natural Resources Division - Information Technology Breakout	Direct Pos.	Estimate FTE	Amount
2012 Enacted	20	20	7,444
2013 Continuing Resolution with 0.612% Increase	21	21	6,676
Adjustments to Base and Technical Adjustments	0	0	0
2014 Current Services	21	21	6,740
2014 Request	21	21	6,740
Total Change 2012-2014			-704

1. Program Description

As stated in the Department of Justice Strategic Plan, ENRD works to:

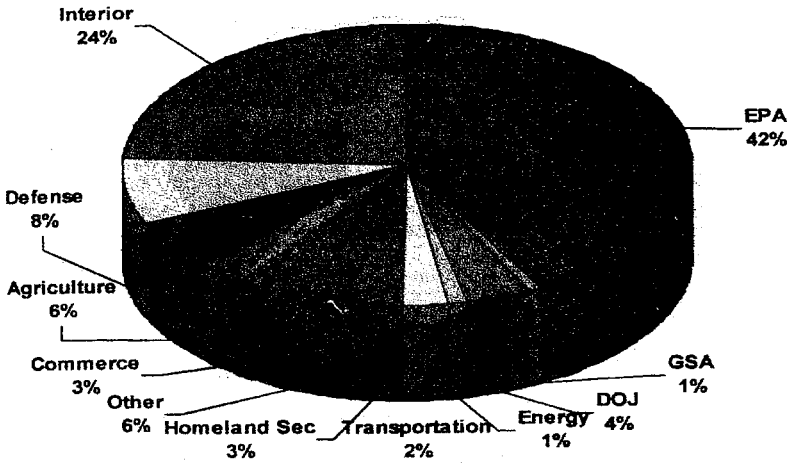
- Investigate and prosecute environmental crimes, including both pollution and wildlife violations;
- Pursue cases against those who violate laws that protect public health, the environment, and natural resources;
- Defend against suits challenging federal statutes, regulations, and agency actions;
- Develop constructive partnerships with other federal agencies, state and local governments, and interested parties to maximize environmental compliance and stewardship of natural resources;
- Act in accordance with United States trust responsibilities to Indian tribes and individual Indians in litigation involving the interests of Indians. The United States holds close to 60 million acres of land and associated natural resources in trust for tribes and has a duty to litigate to protect this land and resources.

The Division focuses on both civil and criminal litigation regarding the defense and enforcement of environmental and natural resources laws and regulations, and represents many federal agencies in litigation (e.g., the Environmental Protection Agency, Department of Agriculture, Department of the Interior, Department of Defense, and Department of Homeland Security).

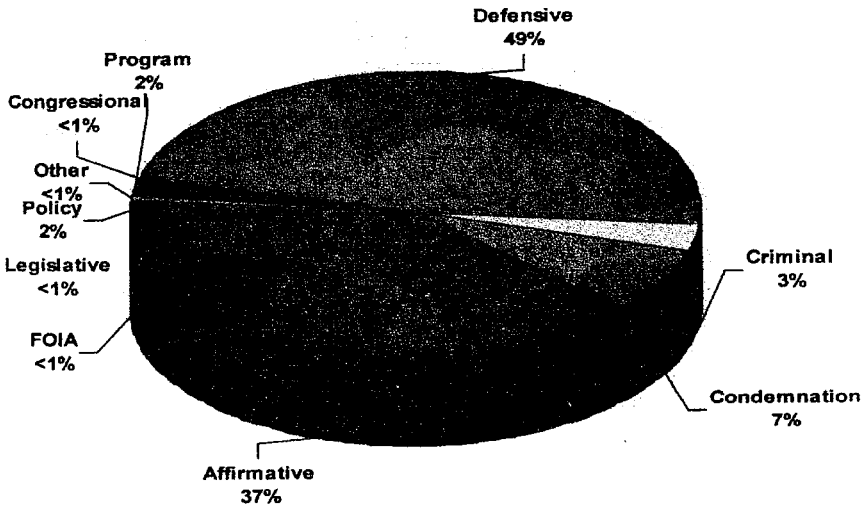
As the nation's chief environmental litigator, ENRD strives to obtain compliance with environmental and conservation statutes. To this end, we seek to obtain redress of past violations that have harmed the environment, establish credible deterrence against future violations of these laws, recoup federal funds spent to abate environmental contamination, and obtain money to restore or replace natural resources damaged through oil spills or the release of other hazardous substances. The Division ensures illegal emissions are eliminated, leaks and hazardous wastes are cleaned up, and drinking water is safe. Our actions, in conjunction with the work of our client agencies, enhance the quality of the environment in the United States and the health and safety of its citizens.

Civil litigating activities include cases where ENRD defends the United States in a broad range of litigation and enforces the nation's environmental and natural resources laws. Nearly one-half of the Division's cases are defensive or non-discretionary in nature. They include claims alleging noncompliance with federal, state and local pollution control and natural resources laws. Civil litigating activities also involve the defense and enforcement of environmental statutes such as the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Clean Air Act (CAA), the Clean Water Act (CWA), the National Environmental Policy Act (NEPA), and the Endangered Species Act (ESA).

ENRD's Cases/Matters Pending By Client Agency (FY 2012)



ENRD's Cases/Matters Pending By Case Type (FY 2012)



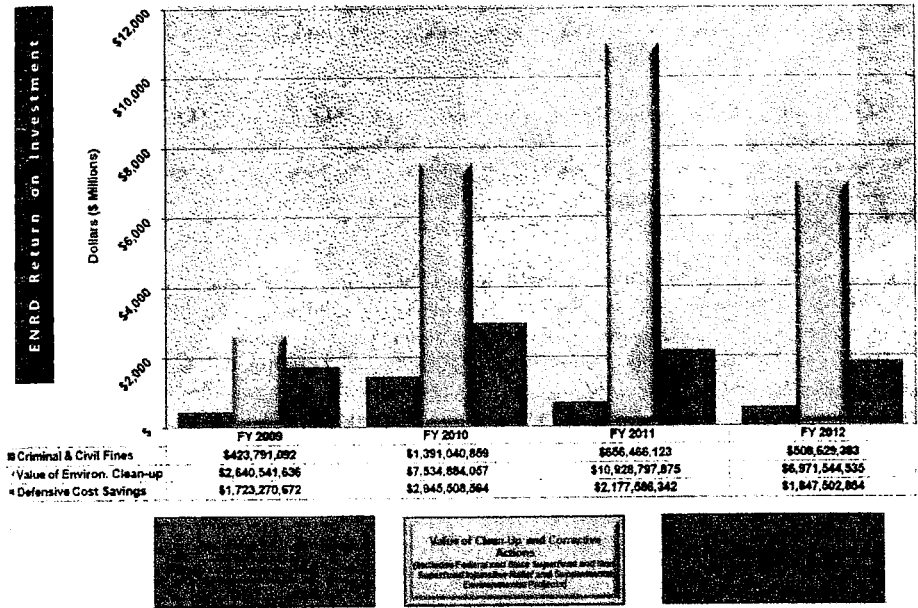
The Division defends Fifth Amendment taking claims brought against the United States alleging that federal actions have resulted in the taking of private property without payment of just compensation, thereby requiring the United States to strike a balance between the interests of property owners, the needs of society, and the public fisc. ENRD also brings eminent domain cases to acquire land for congressionally authorized purposes ranging from national defense to conservation and preservation. Furthermore, the Division assists in fulfillment of the United States trust responsibilities to Indian Tribes. ENRD is heavily involved in defending lawsuits alleging the United States has breached trust responsibilities to Tribes by mismanaging Tribal

resources and failing to properly administer accounts that receive revenues from economic activity on Tribal lands. The effectiveness of our defensive litigation is measured by the percentage of cases successfully resolved and savings to the federal fisc.

Criminal litigating activities focus on identifying and prosecuting violators of laws protecting wildlife, the environment, and public health. These cases involve issues such as fraud in the environmental testing industry, smuggling of protected species, exploitation and abuse of marine resources through illegal commercial fishing, and related criminal activity. ENRD enforces criminal statutes designed to punish those who pollute the nation's air and water; illegally store, transport and dispose of hazardous wastes; illegally transport hazardous materials; unlawfully deal in ozone-depleting substances; and lie to officials to cover up illegal conduct. The effectiveness of criminal litigation is measured by the percentage of cases successfully resolved. ENRD's case outcome performance results are included in the Performance and Resources Table contained in this submission.

ACCOMPLISHMENTS

In FY 2012, the Division successfully litigated 890 cases while working on a total of 5,782 cases, matters, and appeals. We recorded over \$508 million in civil and criminal fines, penalties, and costs recovered. The estimated value of federal injunctive relief (i.e., clean-up work and pollution prevention actions by private parties) obtained in FY 2012 exceeded \$6.9 billion. ENRD's defensive litigation efforts avoided costs (claims) of over \$1.8 billion in FY 2012. The Division achieved a favorable outcome in 95 percent of cases resolved in FY 2012. In sum, ENRD continues to be a valuable investment of taxpayer dollars as the number of dollars returned to the Treasury exceeds ENRD's annual appropriation many times over.



Below are notable successes from the Division's civil and criminal litigation dockets during FY 2012.

Civil Cases

• Deepwater Horizon Oil Spill

In February 2013, the U.S. District Court for the E.D. of Louisiana approved settlements fashioned by the Department and federal agency partners to punish various Transocean companies involved in the Deepwater Horizon oil spill. The total civil penalty, criminal fine, and related criminal payments total \$1.4 billion, comprised of a civil penalty of \$1.0 billion, the largest civil penalty ever secured under any federal environmental law, and another \$400 million to be paid under a cooperation-and-guilty-plea agreement with the Transocean company known as Transocean Deepwater, Inc.

Under the civil settlement, the \$1 billion civil penalty will be paid under the Clean Water Act and the Resources and Ecosystems Sustainability, Tourist Opportunities and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act). The RESTORE Act provides that almost 80 percent of the civil penalty collected here will be to be used to fund projects in the five Gulf States, to benefit environmental and economic benefit in that Region. Also under the civil enforcement settlement, which is embodied in a court order, the Transocean Defendants must implement measures to improve the operational safety and emergency response capability of all

their drilling rigs working in the waters of the United States. The Transocean Defendants will be required to conduct these operational measures under court order for at least five years, and possibly longer, depending on quality of performance.

The \$400 million, criminal-side payment includes: 1) A criminal fine; 2) Funds to improve environmental resources in the five Gulf States (Alabama, Florida, Louisiana, Mississippi, and Texas); and 3) A fund that will be used by the National Academy of Sciences to select and support research, development, education, and training calculated to reduce the chance of oil spills and to improve capacities for responding to such spills.

On February 17, 2012, the Department and federal agency partners announced an agreement with MOEX Offshore to settle its liability in the Deepwater Horizon oil spill. MOEX is one of eight parties sued by the Department in 2010 in connection with the Deepwater Horizon oil spill. According to the terms of the settlement, MOEX will pay \$70 million in civil penalties to resolve alleged violations of the Clean Water Act—the largest to date under the Clean Water Act—and will spend \$20 million on supplemental environmental projects to facilitate land acquisition projects in several Gulf states that will preserve and protect in perpetuity habitat and resources important to water quality.

- ***Tribal Trust Cases***

The extraordinarily complex and multifaceted Tribal Trust cases command a large portion of ENRD's time and resources. The Division represents the United States in 36 presently pending cases in which 40 Indian tribes demand "full and complete" historical trust accountings, monetary compensation for various breaches and mismanagement of trust, and trust reform measures relating to the United States' management of the tribes' trust funds and non-monetary trust assets (such as timber, oil and gas, agricultural and grazing, and rights of way) and trust lands. Many of these cases are in settlement negotiations, while others are in varying stages of trial preparation, and a couple are proceeding down parallel pre-trial preparation and settlement discussion tracks simultaneously. The Division has enjoyed success in the past fiscal year by engaging in discussions and reaching settlements with 64 tribes in 38 cases, while also conducting litigation, including a full-blown trial, in several cases. It has done so balancing its duties to defend client programs with an obligation to make whole any tribe that has suffered financial injury as a result of any trust fund or trust resource management practices. The Division is prepared to proceed with settlement discussions or ADR processes – or with trial preparations and trial – in the remaining 36 cases.

- ***Enforcement Under Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA" or "the Superfund Act")***

At the end of September 2011, the Division reached an agreement for the cleanup of the Midnite Mine Superfund Site, located on the Spokane Indian Reservation in Northeastern Washington State. The site poses a threat to human health and the environment because it is centered around a former open pit uranium mine with heavy metals and elevated levels of radioactivity. Under the agreement, Newmont USA Limited, and Dawn Mining Company, LLC will design, construct and implement a cleanup plan for the site and will reimburse EPA's costs for overseeing the

work. Cleanup at the site is expected to cost \$193 million. EPA will be reimbursed for approximately \$25 million in costs already incurred. The United States, on behalf of the Department of the Interior, will contribute approximately \$54 million toward past and future cleanup activities. The mining companies have agreed to secure funding that will be available should EPA have to take over the work.

The Division also reached agreement in May 2012 with Pharmacia Corporation and Bayer CropScience Inc., for payment of \$4.25 million to federal and state governments (the natural resource trustees) to resolve claims for natural resource damages connected with the Industriplex Superfund site located in Woburn, Mass. Of the \$4.25 million settlement, over \$3.8 million will be used by the trustees to implement natural resource restoration projects that may include the creation of new wetlands and the restoration, enhancement or protection of existing wetlands. The remaining amount of the settlement figure – more than \$400,000 – will reimburse trustees for damages assessment costs.

- *Addressing Air Pollution From Oil Refineries and other Clean Air Act Cases*

ENRD and EPA reached an innovative agreement in April 2012 with Ohio-based Marathon Petroleum Company that already has significantly reduced air pollution from all six of the company's petroleum refineries. In a first for the refining industry, Marathon has agreed to install state-of-the-art controls on waste combustion devices known as flares and to cap the volume of waste gas sent to flares. The settlement is part of EPA's national effort to reduce air pollution from refinery, petrochemical, and chemical flares. When fully implemented, the agreement is expected to reduce harmful air pollution by approximately 5,400 tons per year and result in future cost savings for the company. The agreement, accompanied by a \$460,000 civil penalty, resolves Marathon's alleged violations of the Clean Air Act. Marathon also will spend an as yet undetermined sum to comply with the flaring caps required in the consent decree. Under the agreement, Marathon will also implement a project at its Detroit, Michigan refinery to remove another 15 tons per year of VOCs and another one ton per year of benzene from the air. At an estimated cost of \$2.2 million, Marathon will install controls on numerous sludge handling tanks and equipment. Marathon's six refineries, which are located in Robinson, Illinois; Catlettsburg, Kentucky; Garyville, Louisiana; Detroit, Michigan; Canton, Ohio; and Texas City, Texas, have a capacity of more than 1.15 million barrels per day.

The Division reached a settlement in May 2012 with QEP Field Services Co. (QEPFS), formerly Questar Gas Management Co., to resolve alleged violations of the Clean Air Act at five natural gas compressor stations on the Uintah and Ouray Reservation in Northeastern Utah. Under the proposed settlement, QEPFS will pay a \$3.65 million civil penalty and pay \$350,000 into a Tribal Clean Air Trust Fund to be established by the tribal member parties. The settlement also requires QEPFS to reduce its emissions by removing certain equipment, installing additional pollution controls, and replacing the natural gas powered instrument control systems with compressed air control systems. The Tribal Clean Air Trust Fund will fund beneficial environmental projects on the Uintah and Ouray Reservation, including projects to reduce emissions of air pollution on the reservation, mitigate the impacts of air pollution on tribal members, screen for air pollution related health impacts among tribal members, or educate tribal members about the impacts of air pollution on their health and the environment. The actions

required in the settlement will eliminate approximately 210 tons of NOx, 219 tons of carbon monoxide, 17 tons of HAPs and more than 166 tons of VOCs per year. It will also conserve 3.5 million cubic feet of gas each year, which could heat approximately 50 U.S. households. The reduction in methane emissions (a greenhouse gas that is a component of natural gas) is equivalent to planting more than 300 acres of trees.

- ***Supporting Investments in Transportation Infrastructure***

In FY 2011, the Division continued its effort to support the Department of Transportation's investment in state and city efforts to improve transportation options in urban areas. In *St. Paul Branch of the NAACP v. Federal Transit Admin.*, we worked with the United States Attorney's Office in Minnesota to defend the Federal Transit Administration's environmental impact disclosures for the Central Corridor Light Rail Transit Project connecting downtown St. Paul with downtown Minneapolis. The court ruled in favor of the agency on all claims but one, and declined to halt the project while the agency remedied its environmental disclosures. The court agreed with our argument that the public interest in the transit project, including the construction jobs it is bringing to the Twin Cities, outweighed the potential harm to plaintiffs. In *Friends of Congaree Swamp v. Federal Highway Admin.*, ENRD also succeeded in defending a \$37 million project to rebuild a series of four structurally deficient bridges and expand connecting causeways along U.S. Highway 601 within the Congaree National Park in South Carolina. Plaintiffs were successful in a prior challenge, and brought new claims challenging the revised environmental analysis. The South Carolina Department of Transportation also was a defendant in this suit and the Division worked very closely with it. As a result of the favorable decision, this important public safety work continues. Construction is expected to be completed in June 2013.

- ***Settling Liability for Natural Resource Damages***

In FY 2012, ENRD reached a \$6.8 million agreement with Freeport-McMoRan Corporation and Freeport-McMoRan Morenci, Inc. (Freeport-McMoRan) to settle federal and state natural resource damages claims related to the Morenci copper mine in southeastern Arizona. Freeport-McMoRan is alleged to be civilly liable for injuries to natural resources that resulted from hazardous substance releases at and from Freeport-McMoRan's Morenci Mine site. Surface waters, terrestrial habitat and wildlife, and migratory birds are alleged to have been injured, destroyed or lost as a result of releases of hazardous substances such as sulfuric acid and metals. The \$6.8 million payment will fund planning and implementation of projects to restore, replace or acquire the equivalent of wildlife and wildlife habitat in the vicinity of the impacted area.

- ***Enforcement of the Clean Water Act Through Publicly Owned Sewer Cases***

The Division continues to reach agreements with municipalities to upgrade their sewage treatment plants. EPA's Clean Water Act initiative focuses on reducing discharges from sewer overflows by obtaining cities' commitments to implement timely, affordable solutions, including the increased use of green infrastructure and other innovative approaches. Raw sewage contains pathogens that threaten public health, leading to beach closures and public advisories against fishing and swimming. This problem particularly affects older urban areas, where minority and low-income communities are often located. The United States has reached similar agreements in

the past with numerous municipal entities across the country including Mobile and Jefferson County, Alabama (Birmingham); Atlanta and Dekalb County, Georgia; Knoxville and Nashville, Tennessee; Miami-Dade County, Florida; New Orleans, Louisiana; Hamilton County (Cincinnati), Ohio; Northern Kentucky Sanitation District #1; and Louisville, Kentucky.

New agreements achieved in FY 2012 include those with Unalaska, Alaska, and Memphis, Tennessee. Unalaska will spend at least \$18 million to upgrade its treatment plant over the next three years. The city will also pay a \$340,000 penalty for past permit violations. Unalaska (commonly known as Dutch Harbor), serves as homeport to one of the nation's most productive commercial fishing fleets, supporting both industrial-scale fishing and fish processing. During the height of the fishing season, Unalaska's population more than doubles, reaching as high as 10,000. Unalaska Bay is protected for a number of uses, including boating, recreational and commercial fishing, and shellfish harvest. It also provides habitat for several endangered or threatened species, including northern sea otters and Steller's eiders, a species of sea duck. However, the bay is currently listed as an impaired water-body, which means it fails to meet state water quality standards.

The city of Memphis, Tennessee, agreed in FY 2012 to improve the operation and maintenance of its sewer systems and to address the problem of grease buildup within the sewer lines. Memphis developed and will be required to implement a comprehensive fats, oil and grease (FOG) program. The city must perform a continuing sewer infrastructure assessment, rehabilitation, and maintenance program at an estimated cost of approximately \$250 million. The city must also pay a civil penalty of \$1.29 million, half of which will be paid to the United States. At the direction of the state, the other half will be paid by the city through its execution of certain state projects, including improvements to Memphis' Geographic Information System (GIS) and implementation of an effluent color study to better delineate limits for the color of Memphis' permitted discharges to the Mississippi River.

• ***Controlling Contaminated Storm Water Run-Off by Construction Companies***

In the latest in a series of enforcement actions, the Ryland Group Inc., one of the nation's largest homebuilders, agreed in October 2011 to pay a civil penalty of \$625,000 to resolve alleged Clean Water Act violations at its construction sites, including sites located in the Chesapeake Bay Watershed. Keeping contaminated stormwater out of America's waters is one of EPA's national enforcement initiatives. Construction projects have a high potential for environmental harm because they disturb large areas of land and significantly increase the potential for erosion. Stormwater run-off can pick up construction pollutants and flow directly to the nearest waterway and degrade aquatic habitats and drinking water quality. Among Ryland's alleged violations are failure to obtain permits, and failure to comply with permits it did have by not installing or implementing adequate stormwater controls or practices. Such practices include common-sense safeguards such as silt fences, phased site grading and sediment basins. Under the agreement, Ryland must also improve employee training and increase management oversight at all current and future construction sites. EPA estimates the settlement will prevent millions of pounds of sediment from entering U.S. waterways every year.

- ***Ensuring Industry Focuses on the Safety of the Public and Protection of the Environment***

The Division reached an agreement in January 2012 with food processor Columbus Manufacturing Inc., in which the company agreed to pay a penalty of more than \$600,000 and make \$6 million in upgrades to settle Clean Air Act violations. In two releases of anhydrous ammonia at its South San Francisco processing plant, Columbus failed to identify hazards, maintain a safe facility, and comply with regulatory requirements for process safety management under the Clean Air Act. The company agreed to convert its refrigeration system to a safer technology that uses glycol and ammonia and to improve its alarm and ammonia release notification procedures. The first accidental ammonia release in February 2009, sent 217 pounds of poisonous gases into the atmosphere. Six months later in August 2009, the plant again released an ammonia cloud, this time approximately 200 pounds of anhydrous ammonia was released into the atmosphere. The August incident resulted in the evacuation of all facility employees and several neighboring businesses. Nearly 30 people from the downwind Genentech campus sought medical attention and 17 individuals were hospitalized. One person remained hospitalized for four days. In addition, off-ramps from Highway 101 and several local streets were shut down as a result of the release. EPA took action following the August 2009 incident, ordering Columbus to complete initial upgrades to its ammonia refrigeration system, including the replacement of safety relief valves and components with any signs of corrosion, and the proper labeling of all of its piping. In 2011, the company paid \$850,000 in fines to San Mateo County as a result of the incident.

- ***Furthering the Nation's Renewable Energy Agenda***

The Division is actively defending challenges to permits and rights of way issued by the Bureau of Land Management (BLM) and the United States Forest Service to promote the development of renewable energy projects on western public lands. We successfully defeated motions for temporary restraining orders and/or preliminary injunctions for the Ivanpah Solar Project, Blythe Solar Project, and Sunrise Powerlink transmission project in California in the past fiscal year. The Division also successfully opposed efforts in *Western Watersheds Project v. BLM* to preliminarily enjoin the Spring Valley Wind Project located in Nevada. This represented the first decision on a wind energy project sited on federal land. The court concluded that the public has a strong interest in this project because "Congress and the President have clearly articulated that clean energy is a necessary part of America's future and it is important to Nevada's economic and clean energy goals." Finally, we are working closely with BLM to defend the permit issued for the Cape Wind Project, America's first offshore wind project.

In *National Petrochemical & Refiners Ass'n v. EPA*, industry petitioners challenged EPA's efforts to ensure that the full volume of renewable fuels specified by Congress in the Energy Independence and Security Act for use in 2009 and 2010 were produced and used, notwithstanding the fact that EPA had been unable to promulgate regulations in time for calendar year 2009. In December 2010, the D.C. Circuit found not only that EPA acted reasonably in combining the 2009 and 2010 quantities in the 2010 regulation, but also that the regulation was not impermissibly retroactive. In November 2011, the Supreme Court declined to grant a petition for writ of certiorari in the case.

- ***Supporting Tribal Recognition and Sovereignty***

The Division has continued its longstanding efforts in FY 2011 to support tribal jurisdiction and sovereignty. For example, in *Water Wheel Camp Recreation Area, Inc. v. LaRance*, ENRD filed an amicus brief in the Ninth Circuit supporting tribal court jurisdiction. The underlying dispute arose over a lease secured by Water Wheel Camp Recreation Area, Inc., for the development of tribal land on a reservation of the Colorado River Indian Tribes (CRIT). After CRIT obtained an eviction order and monetary judgment in tribal court against the company and its principal owner, both filed an action in federal district court arguing that the tribal court lacked jurisdiction. While the district court found that the tribal court had jurisdiction to adjudicate the tribe's claims only as to the company, the Ninth Circuit held that the tribal court had jurisdiction as to the claims against both the company and its owner. Consistent with the argument made by the Division, the Ninth Circuit concluded that the tribe's authority to regulate non-member use of tribal land is an inherent part of its power to exclude and that the tribe's adjudicatory authority was coextensive with its regulatory authority over the land.

- ***Implementing Indian Water Rights Settlements Enacted by Congress***

In 2010, Congress enacted five landmark Indian water rights settlements involving ENRD water rights adjudications. When fully implemented, this legislation will resolve complex and contentious Indian water rights issues in three western states. (The Taos Pueblo Indian Water Rights Settlement, the Aamodt Litigation Settlement Act, and the Navajo-San Juan River Basin Settlement in New Mexico; the Crow Tribe Water Right Settlement in Montana; and the White Mountain Apache Tribe in Arizona.) To implement this legislation, the Division must negotiate final agreements, and enter and defend consent decrees, all within short deadlines mandated by Congress.

Criminal Cases

- ***Vessel Pollution Cases***

Over the past decade, working in conjunction with the U.S. Coast Guard (USCG), ENRD, through the Environmental Crimes Section (ECS), has built a successful vessel pollution prosecution practice, focusing on the prosecution of individuals and corporations involved in pollution from ships and the deliberate falsification of official ship records designed to conceal illegal pollution. The Vessel Pollution Program is an ongoing, concentrated effort to detect, deter, and prosecute those who illegally discharge pollutants from ships into the oceans, coastal waters and inland waterways. Over the past 10 years, the criminal penalties imposed in such cases have totaled more than \$200 million, and responsible shipboard officers and shore-side officials have been sentenced to more than 17 years of incarceration. In FY 2011 alone, ENRD obtained \$11.4 million in criminal fines related to Vessel Pollution prosecutions, and the number of referrals from the U.S. Coast Guard is increasing steadily. The initiative has resulted in a number of important criminal prosecutions of key segments of the commercial maritime industry, including cruise ships, container ships, tank vessels, and bulk cargo vessels.

For example, in FY 2012, two corporations were each sentenced to pay \$1.2 million and serve three years of probation for violating the Act to Prevent Pollution from Ships (APPS). Efploia Shipping, a Marshall Islands corporation based in Greece, was the technical manager of the *M/V Aquarosa*, a 33,005 gross ton newly built cargo ship, constructed in China and registered in Malta. Aquarosa Shipping, a company based in Denmark, was the owner of the vessel. Both corporations pleaded guilty to four felony counts: obstruction of justice, making material false statements, and the environmental crimes of knowingly failing to maintain an accurate oil record book and knowingly failing to maintain an accurate garbage record book.

Senior ship engineers are alleged to have begun dumping oil contaminated bilge waste during the ship's very first voyage after it was completed in 2010. One method involved removing the blocking mechanism inside a valve so that waste could be pumped overboard. Another method involved a so-called "magic pipe" consisting of a long rubber hose and metal flanges welded together onboard to bypass required pollution prevention equipment. The investigation began after an engineer complained to the U.S. Coast Guard when the ship arrived in Baltimore in February 2011. The crew member provided the Coast Guard with his cell phone containing 300 photographs showing how a magic pipe was being used to discharge sludge and oily waste overboard and to bypass the ship's oily water separator, a required piece of pollution prevention equipment. Plastic garbage bags containing oil soaked rags were also dumped overboard. Under MARPOL, an international treaty to which the United States is a party and which is enforced by the APPS, ships must maintain an oil record book and a garbage record book in which all such discharges are recorded. Both defendants admitted to deliberately falsifying these required logs. Efploia Shipping and Aquarosa Shipping are required to implement a government approved environmental plan that includes audits conducted by an independent firm and review by a court appointed monitor. Each defendant must pay \$275,000 in organizational community service payments to the National Fish & Wildlife Foundation for projects involving the Chesapeake Bay.

- ***Enforcing Laws Protecting Wildlife***

In March 2012, the Division successfully prosecuted a Miami taxidermist for illegal trafficking in endangered and protected wildlife. From late 2009 to February 2011, the defendant illegally imported skins and remains of numerous species, including a king cobra, a pangolin, hornbills, birds of paradise, and the skulls of babirusa and orangutans. Despite the interception of two shipments in late 2009 that he ultimately forfeited and abandoned, he continued to solicit protected wildlife from his suppliers via the Internet, selecting specific animals from photographs. The parts or carcasses of the selected wildlife would then be shipped to him without the permits or declarations required by law. Some of the endangered and protected wildlife he selected was alive at the time it was photographed, including a woolly stork, a slow loris, and a hornbill, and later sent to him dead. The defendant incorporated various parts and segments of the wildlife into taxidermy pieces at a studio in downtown Miami. He offered these pieces through galleries and on the Internet for prices ranging up to \$80,000. In December 2010, pieces were exhibited during Art Basel week at the Scope Art Fair in Miami, resulting in at least one significant sale and the subsequent illegal export of the piece to Canada.

In order to protect certain species of wildlife against over-exploitation, the United States is a signatory to an international treaty known as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), under which trade in certain threatened

species is regulated or even prohibited for commercial purposes. Federal law also prohibits the importation of fish or wildlife into the United States without proper declaration to both U.S. Customs and Border Protection (CBP) and the Fish & Wildlife Service (FWS).

- ***Enforcing the Clean Air Act at Oil Refineries***

In December 2011, the Division successfully prosecuted the Pelican Refining Company, LLC, for felony violations of the Clean Air Act and obstruction of justice. Pelican was sentenced to pay a \$12 million penalty, which includes a \$10 million criminal fine (the largest ever in Louisiana for such violations) and \$2 million in community service payments that will go toward various environmental projects in Louisiana, including air pollution monitoring. Pelican is also prohibited from future operations unless it implements an environmental compliance plan, which includes independent quarterly audits by an outside firm and oversight by a court appointed monitor. The company admitted that it had knowingly committed criminal violations of its operating permit at the refinery located in Lake Charles, Louisiana. The violations were discovered during a March 2006 inspection by the Louisiana Department of Environmental Quality (LDEQ) and the EPA, which identified numerous unsafe operating conditions. Pelican also pleaded guilty to obstruction of justice for submitting materially false reports to LDEQ, the agency that administers the federal Clean Air Act in Louisiana. To comply with its required Clean Air Act permit, the refinery was required to use certain key pollution prevention equipment, but that equipment was either not functioning, poorly maintained, improperly installed, improperly placed into service and/or improperly calibrated. For over a year the company used an emergency flare gun to re-light the flare tower at the refinery designed to burn off toxic gases and provide for the safe combustion of potentially explosive chemicals. The pilot light was not functioning properly and employees would take turns trying to shoot the flare gun to relight the explosive gasses.

- ***Protecting the Public Against Hazardous Waste***

Freedman Farms Inc., a hog farming company, was sentenced in February 2012 to five years probation and ordered to pay \$1.5 million in fines, restitution and community service payments for violating the Clean Water Act. Instead of directing hog waste to two lagoons for treatment and disposal, the company allowed it to be discharged directly into a stream that leads to the Waccamaw River through a large wetlands complex. Freedman Farms, located in Columbus County, North Carolina, is in the business of raising hogs for market, and this particular farm had some 4,800 hogs. The federal Clean Water Act makes it illegal to knowingly or negligently discharge a pollutant into a water of the United States. Manure from Concentrated Animal Feeding Operations (CAFOs), like Freedman Farms, if not properly controlled, can contaminate both surface waters and ground waters that may be used as drinking water sources and harm fish and other aquatic species. The company president was sentenced to six months in prison to be followed by six months of home confinement. Freedman Farms is also required to implement a comprehensive environmental compliance program and institute an annual training program.

2. Performance and Resources Table

Performance and Resources Table (\$000's)									
Division Line/Program - Environment & Natural Resources Division - Consolidated Summary DOJ Strategic Goal/Division Strategic Goal 2 - Objective 2.6 - Protect the Forest & Wetland and Defend the Interests of the United States									
Program Activity	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
CIVIL	WORKLOAD/REQUIREMENTS								
	DIVISION TOTAL WORKLOAD								
	# of Cases & Minutes (Active & Closed)								
	# of Cases Successfully Resolved/Success Rate								
	1. Number of cases (active & closed)								
	2. Number of minutes (active & closed)								
	3. Number of cases (active & closed)								
	4. Number of minutes (active & closed)								
	FTE								
	FTE								
CIVIL	DIVISION RESOURCES - Total Year Costs & FTEs (Remeasurable FTEs are included and non-measurable costs are excluded and not included in the total)								
	607 \$ 100,000 635 \$ 100,000 635 \$ 100,000 635 \$ 100,000 635 \$ 100,000 635 \$ 100,000 635 \$ 100,000 635 \$ 100,000 635 \$ 100,000								
	FTE								
	FTE								
	FTE								
	FTE								
	FTE								
	FTE								
	FTE								
	FTE								
CIVIL	PERFORMANCE/RESOURCES								
	TOTAL COSTS & FTE								
	1. Number of cases active/closed								
	2. Number of minutes active/closed								
	3. Total Data Value Available for FY 2012 (Estimated)								
	4. Total Dollars Spent for FY 2012 (Estimated)								
	5. Administrative Costs Successfully Reduced								
	6. Delinquent Cases Successfully Reduced								
	7. Penalties Awarded								
	8. State of California Awarded								
CIVIL	PERFORMANCE/RESOURCES								
	TOTAL COSTS & FTE								
	1. Number of cases active/closed								
	2. Number of minutes active/closed								
	3. Total Data Value Available for FY 2013 (Estimated)								
	4. Total Dollars Spent for FY 2013 (Estimated)								
	5. Administrative Costs Successfully Reduced								
	6. Delinquent Cases Successfully Reduced								
	7. Penalties Awarded								
	8. State of California Awarded								

Performance and Resources Table (Cont.)

Program Activity	PERFORMANCE/RESOURCES	FY 2012			FY 2012 OR			Current Services Adjustments and FY 2014 Program Changes			FY 2014 Request		
		FTE	\$000		FTE	\$000		FTE	\$000		FTE	\$000	
CRIMINAL	TOTAL COSTS & FTE		\$1	10,794	\$2	10,794			\$2	10,794		\$2	10,794
	OUTPUT 1/	Active						Active			Active		
	1. Number of cases achieved/closed	266		101			Closed						266
	2. Number of matters achieved/closed	11		3			12				9		100
	OUTCOME												
	1. Number of criminal cases successfully resolved	no estimate			8	96%	96%	8	96%	96%	8	96%	96%
	2. Dollars Awarded	Superfund 3/	no estimate		Superfund 3/	no estimate		Superfund 3/	no estimate		Superfund 3/	no estimate	
	--Fees 4/	no estimate			no estimate			no estimate			no estimate		
	--Restitution	no estimate			4,104,428			no estimate			no estimate		
	--Community Service Funds 5/	no estimate			5,433,000			no estimate			no estimate		
	3. Criminal Environmental Compliance Plan 10/	no estimate			no estimate			no estimate			no estimate		

Data Definition, Validation, Verification, and Limitations:

- 1/ Criminal is defined as "in those requiring intensive time (i.e. congressional & legislative response, Freedom of Information Act (FOIA) requests, motion of criminal case, or policy issue)"
- 2/ Active cases/matters are those currently being worked on as of the reporting date for the current fiscal year. Closed cases/matters are fiscal year-to-date for the reporting date.
- 3/ Superfund includes: Civil & Specialized Penalties, Natural Resource and other damages, Court Costs, Fines, and Restitution paid in cases involving the use of U.S. mineral lands.
- 4/ CERCLA is the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. Funds from the Environmental Protection Agency (EPA) used to enforce the statute are called "Superfund". Monies in the "Superfund" category represent this fund.
- 5/ Cost recovery is awarded to federal & state governments for reimbursement of the clean-up of sites contaminated with hazardous substances. It is determined if a site-related cost to the administrator of cost related clean up of contaminated sites.
- 6/ Monies paid by the Federal Government for its share of clean-up costs of Superfund sites have been excluded.
- 7/ Civil Environmental Enforcement Project (CEEP) are environmentally beneficial projects that defendants are ordered to perform in the court (i.e. a facility installing a device to reduce the release of pollutants into the environment).
- 8/ Code Awarded is the difference between the amount for which the government is sued, and the amount actually paid to plaintiffs.
- 9/ Includes Special Assessments, Reimbursement of Court Costs and Attorney's Fees, and Asset Forfeiture.
- 10/ Criminal Environmental Compliance Plans are plans that may vary in detail, usually imposed on organizations/defendants as conditions of probation or sentencing, that set out various actions that defendants must undertake in an effort to bring firm into and keep firm in compliance.

Data Collection & Storage: The majority of the performance data submitted by CHRO are generated from the Division's Case Management System (CMS).

Data Validation and Verification: The Division has initiated a formal data quality assurance program to ensure a quarterly review of the Division's dataset. The case system data are monitored by the Division to maintain accuracy.

Data Limitations: Timeliness of notification by the courts.

Data does not include United States Attorney (USA) exclusive cases.

Additional Explanation for Targets, Program Changes, and Program Requests

- In accordance with Department guidance, estimates of performance are not prepared for the same categories.

Performance Measure Table

PERFORMANCE MEASURE TABLE												
Decision Unit: Environment and Natural Resources Division												
Performance Report and Performance Plan Targets		FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	
		Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Target	
EFFICIENCY Measure	Total dollar value awarded per \$1 of expenditures (Affirmative)	\$171	\$75	\$117	\$157	\$46	\$125	\$174	\$109	\$81	\$81	
EFFICIENCY Measure	Total dollars saved the government per \$1 of expenditures (Defensive)	\$15	\$14	\$25	\$51	\$27	\$43	\$30	\$26	\$22	\$22	
OUTCOME Measure	Civil affirmative cases successfully resolved	95%	97%	97%	98%	97%	96%	98%	98%	85%	85%	
OUTCOME Measure	Civil defensive cases successfully resolved	92%	93%	92%	95%	96%	88%	92%	92%	75%	75%	
OUTCOME Measure	Criminal Cases successfully resolved	90%	94%	94%	95%	91%	86%	98%	98%	90%	90%	
OUTPUT-RELATED Measure	Cases and Matters (Active & Closed)	5,742	5,878	5,681	6,840	6,948	6,589	6,363	5,782	5,469	5,469	

3. Performance, Resources, and Strategies

The Environment and Natural Resources Division contributes to the Justice Department's Strategic Goal Two: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law. The Division focuses on both civil and criminal litigation within this strategic objective. An explanation by litigating activity follows.

Criminal Litigating Activities

A. Performance Plan and Report for Outcomes

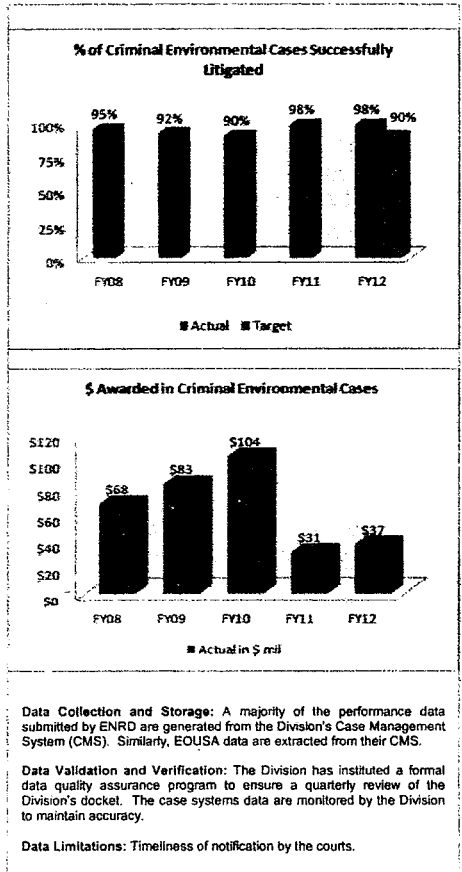
Vigorous prosecution remains the cornerstone of the Department's integrated approach to ensuring broad-based environmental compliance. It is the goal of investigators and prosecutors to discover and prosecute criminals before they have done substantial damage to the environment (including protected species), seriously affected public health, or inflicted economic damage on consumers or law-abiding competitors. The Department's environmental protection efforts depend on a strong and credible criminal program to prosecute and deter future wrongdoing. Highly publicized prosecutions and tougher sentencing for environmental criminals are spurring improvements in industry practice and greater environmental compliance. Working together with federal, state and local law enforcement, the Department is meeting the challenges of increased referrals and more complex criminal cases through training of agents, officers and prosecutors, outreach programs, and domestic and international cooperation.

Performance Results

I. Performance Measure - Percent of Criminal Environmental Cases Successfully Resolved

❖ **FY 2012 Target: 90%**

❖ **FY 2012 Actual: 98%**



Discussion: In FY 2012, ENRD's Environmental Crimes Section (ECS) had a strong year for criminal enforcement, successfully prosecuting 52 defendants and imposing fines and penalties totaling over \$37 million.

In FY 2012, ECS successfully prosecuted a number of vessel pollution cases. The former captain of a Panama-flagged cargo ship that discharged hundreds of plastic pipes into the ocean was found guilty of obstructing a U.S. Coast Guard inspection of the vessel and obstruction of justice for creating a false and fictitious garbage log. The garbage log is required and regularly inspected by the U.S. Coast Guard. The captain was described by witnesses as having ordered hundreds of plastic pipes to be thrown into the ocean and not recorded the discharge in the ship's garbage record book as required. The false record was then shown to the Coast Guard. The plastic pipes had previously contained insecticide and were used to fumigate a grain shipment. The discharge of plastic into the sea is prohibited under the International Convention to Prevent Pollution from Ships, known as MARPOL.

FY 2012 Performance Plan Evaluation: Our success rate of 98 percent exceeded our goal of 90 percent. Proposed legislation and judicial calendars can affect our overall performance, which can then realize peaks and valleys when large cases are decided. Our goal is to improve overall performance in a 5-year span.

FY 2013/2014 Performance Plan: We have set our target at 90 percent of cases successfully litigated for FY 2013 and FY 2014. ENRD targets are generally set at an attainable performance level so that there is no incentive to ramp up prosecutions or lawsuits against insignificant targets for "easy" wins solely to meet higher targets. Such an approach would do a disservice to the public by steering litigation away from more complicated problems facing the country's environment and natural resources.

Public Benefit: The Division continues to produce successful criminal prosecutions relating to environmental statutes. These successes ensure compliance with the law and lead to specific improvements in the quality of the environment of the United States, and the health and safety of its citizens. Additionally, ENRD has had numerous successes in prosecuting vessels for illegally disposing of hazardous materials into United States waterways. These successes have improved the quality of our waterways and promoted compliance with proper disposition of hazardous materials. Also, the Division has successfully prosecuted numerous companies for violations of environmental laws which endangered their workers. Our successes lead to safer workplaces and fewer lives lost to hazardous conditions.

II. Performance Measure - \$ Awarded in Criminal Environmental Cases

❖ ***FY 2012 Target: In accordance with Department guidance, targeted levels of performance are not projected for this indicator.***

❖ ***FY 2012 Actual: \$37.2 million***

Discussion: In FY 2012, Eagle Recycling was sentenced to pay a \$500,000 criminal fine and more than \$70,000 in restitution and cleanup costs as a result of its guilty plea to conspiring to violate the Clean Water Act and to defrauding the United States. The company received three years of corporate probation and was ordered to formulate, fund and implement an environmental compliance plan to prevent future environmental violations at their North Bergen, N.J. operation. Eagle Recycling and other co-conspirators engaged in a multi-year scheme to illegally dump 8,100 tons of pulverized construction and demolition debris that was processed at Eagle Recycling's solid waste management facility and then transported to a farmer's property in Frankfort, N.Y. Eagle Recycling and other conspirators then concealed the illegal dumping by fabricating a New York State Department of Environmental Conservation (DEC) permit and forging the name of a DEC official on the fraudulent permit.

FY 2013/2014 Performance Plan: Not Applicable. In accordance with Department guidance, levels of performance for FY 2013 and FY 2014 are not projected for this indicator. Many factors affect our overall performance, such as proposed legislation, judicial calendars, etc. The performance of the Division tends to reflect peaks and valleys when large cases are decided. Therefore, we do not project targets for this metric annually, but our goal is to improve overall performance over a 5-year span.

Public Benefit: The Division continues to obtain criminal fines from violators, thereby removing economic benefits of non-compliance and leveling the playing field for law-abiding companies. Our prosecutorial efforts deter others from committing crimes and promote adherence to environmental and natural resources laws and regulations. These efforts result in the reduction of hazardous materials and wildlife violations and improve the quality of the United States' waterways, airways, land, and wildlife, thereby enhancing public health and safety.

B. Strategies to Accomplish Outcomes

The Division will continue efforts to obtain convictions and to deter environmental crimes through initiatives focused on vessel pollution, illegal timber harvesting, laboratory fraud, chlorofluorocarbon (CFC) smuggling, wildlife smuggling, transportation of hazardous materials, and worker safety. ENRD will also continue to prosecute international trafficking of protected species of fish, wildlife, and plants with a host of international treaty partners.

Illegal international trade in wildlife is second in size only to the illegal drug trade, and our criminal prosecutors work directly on these cases, as well as assist United States Attorneys Offices and share ENRD expertise nationwide with state and federal prosecutors and investigators. We will focus on interstate trafficking and poaching cases on federal lands, and seek to ensure that wildlife conservation laws are applied uniformly and enforced across the country, seeking consistency in these criminal prosecutions and a vigorous enforcement program that serves as an international role model.

ENRD has partnered with other federal agencies, such as EPA, to pursue litigation against criminal violators of our nation's environmental policies. Egregious offenders are being brought to justice daily. The Division has worked collaboratively to identify violators who

pose a significant threat to public health. By prosecuting criminal violations of regulations, ENRD is forcing compliance and discouraging continued disregard for public health.

Civil Litigating Activities

A. Performance Plan and Report for Outcomes

The Department enforces environmental laws to protect the health and environment of the United States and its citizens, defends environmental challenges to government programs and activities, and represents the United States in all matters concerning the protection, use, and development of the nation's natural resources and public lands, wildlife protection, Indian rights and claims, and the acquisition of federal property.

Performance Results

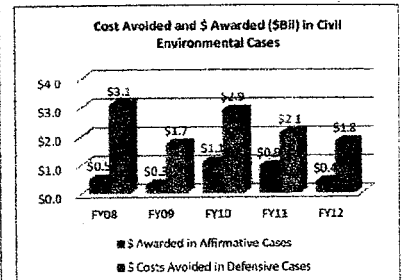
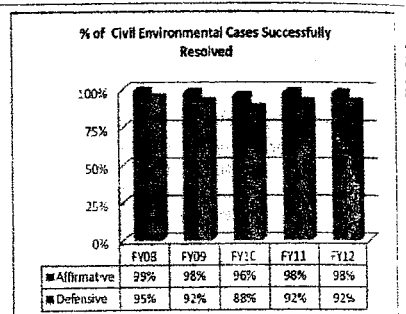
I. Performance Measure - Percent of Civil Environmental Cases Successfully Resolved

❖ **FY 2012 Target:**
85% Affirmative; 75% Defensive

❖ **FY 2012 Actual:**
98% Affirmative; 92% Defensive

Discussion: In FY 2012, ENRD ensured that harmful sediments are removed from rivers, state-of-the-art pollution control devices are added to factories to provide cleaner air, sewage discharges are eliminated, and damaged land and water aquifers are restored. ENRD also worked successfully to ensure the integrity of municipal wastewater treatment systems. Each year, hundreds of billions of gallons of untreated sewage are discharged into the nation's waters from municipal wastewater treatment systems that are overwhelmed by weather conditions they are not designed to handle.

In FY 2012, the Division reached a settlement with the Metropolitan Water Reclamation District of Greater Chicago (MWRD) to resolve claims that untreated sewer discharges were released into Chicago area waterways during flood and wet weather events. MWRD will pay a civil penalty of \$675,000 and work to complete a tunnel and reservoir plan to increase its capacity to handle wet weather events and address combined sewer overflow discharges. MWRD will use skimmer boats to remove trash and debris from the water in overflows so it can be collected and properly managed, making waterways cleaner and



Data Collection and Storage: A majority of the performance data submitted by ENRD is generated from the Division's Case Management System (CMS).

Data Validation and Verification: The Division has instituted a formal data quality assurance program to ensure a quarterly review of the Division's docket. The systems data is constantly being monitored by the Division to maintain accuracy.

Data Limitations: Timeliness of notification by the courts

healthier. MWRD is also required to implement a green infrastructure program that will reduce stormwater runoff by distributing rain barrels and developing projects to build green roofs, rain gardens or use pervious paving materials in urban neighborhoods.

FY 2012 Performance Plan Evaluation: We exceeded our affirmative and defensive civil litigation goals – affirmative by 13 percent, and defensive by 17 percent. The Division continues its strong record of success in civil environmental enforcement of federal pollution abatement laws, and compliance with environmental protection and conservation statutes. ENRD obtains redress for past violations harming the environment and establishes credible deterrents against future violations of these laws, recoups federal funds spent to abate environmental contamination, and obtains money to restore or replace natural resources damaged by oil spills or the release of other hazardous substances into the environment.

FY 2013/2014 Performance Plan: Considering our past performance, we aim to achieve litigation success rates of 85 percent Affirmative and 75 percent Defensive (average of 80 percent) for FY 2013 and FY 2014. ENRD's targets are set lower than the actual performance so that there is no incentive to ramp up prosecutions or lawsuits against easy targets solely to meet an "ambitious" goal. This sort of easy approach would do a disservice to the public by steering litigation away from more difficult problems facing the country's environment and natural resources. Several years of data demonstrate that our targets are set at achievable levels and do not deter high performance.

Public Benefit: The success of the Department ensures the correction of pollution control deficiencies, reduction of harmful discharges into the air, water, and land, clean-up of chemical releases, abandoned waste, and proper disposal of solid and hazardous waste. In addition, the Department's enforcement efforts help ensure military preparedness, safeguard the quality of the environment in the United States, and protect the health and safety of its citizens.

II. Performance Measure - Costs Avoided and \$ Awarded in Civil Environmental Cases

- ❖ ***FY 2012 Target: In accordance with Department guidance, targeted levels of performance are not projected for this indicator.***
- ❖ ***FY 2012 Actual: \$1.8 billion avoided; \$398 million awarded***

Discussion: The Division had several important civil litigation successes in FY 2012 in cases seeking civil penalties and other monetary recoveries. We continued to successfully litigate Clean Air Act (CAA) claims against operators of coal-fired electric power generating plants and cement manufacturers. These types of violations, litigated by ENRD's Environmental Enforcement Section (EES), arise from companies engaging in major life extension projects on their facilities without installing required state-of-the-art pollution controls. The resulting tens of millions of tons of excess air pollution has adversely affected human health, degraded forests, damaged waterways, and contaminated reservoirs.

In FY 2012, the Division reached an agreement with CalPortland Company (CPC), a major producer of Portland cement and building materials in the United States. The company agreed to

pay a \$1.4 million penalty (one of the largest for a single cement facility) to resolve alleged violations of the Clean Air Act at its cement plant in Mojave, California. CPC will spend an estimated \$1.3 million on pollution controls that will reduce harmful emissions of nitrogen oxides (NOx) and sulfur dioxide (SO₂), pollutants that can lead to childhood asthma and smog. The plant is located in Kern County, California, which has some of the worst air pollution in the country. The pollutants covered in the settlement contribute to the formation of ground-level ozone or smog. Exposure to even low levels of ozone can cause respiratory problems, and repeated exposure can aggravate pre-existing respiratory diseases. CPC is alleged to have made significant modifications to its plant, resulting in increased emissions of NOx, SO₂ and carbon monoxide, without first obtaining a Clean Air Act-required permit and without installing necessary pollution control equipment. The settlement ensures that the proper equipment, estimated to cost \$1.3 million to install and \$500,000 per year to operate, once installed will reduce future emission levels. These measures are expected to reduce pollution each year from the plant by at least 1,200 tons of NOx and 360 tons of SO₂.

FY 2013/2014 Performance Plan: Not Applicable. In accordance with Department guidance, levels of performance are not projected for this indicator. There are many factors that affect our overall performance, including proposed legislation and judicial calendars. The overall performance of the Division can be affected when large cases are decided, so we do not project annually, but our goal is to improve overall performance in a 5-year span.

III. Efficiency Measures

1) Total Dollar Value Awarded per \$1 Expenditures [Affirmative]

2) Total Dollars Saved the Government per \$1 Expenditures [Defensive]

❖ ***FY 2012 Target: \$81 awarded; \$22 saved***

❖ ***FY 2012 Actual: \$109 awarded; \$26 saved***

Discussion: The Division had a commendable FY 2012 in its efforts to secure commitments by polluters to take action to remedy their violations of the nation's environmental laws. Actions taken by the Division in federal courts resulted in over \$6.9 billion in settlements and court ordered injunctive relief. Additionally, the Division saved the government more than \$1.8 billion in defensive litigation. These successes and the Division's enforcement work have produced significant gains for the public fisc, public health, and the environment. The Division routinely saves the American taxpayers hundreds of millions of dollars each year – many times the Division's annual budget. Accordingly, in FY 2012, ENRD exceeded its performance goal of total dollars saved the government per \$1 expenditures.

FY 2013/2014 Performance Plan: The Division has an exemplary record in protecting the environment, Indian rights, and the nation's natural resources, wildlife, and public lands, and will continue to establish ambitious targets through FY 2014. The Division will monitor future year performance levels and make the necessary adjustments so that targets reflect actual performance

levels. The Division anticipates continued success through vigorous enforcement efforts which generally will produce settlements and significant gains for the public and the public fisc.

Public Benefit: The Division's efforts to defend federal programs, ensure compliance with environmental and natural resource statutes, win civil penalties, recoup federal funds spent to abate environmental contamination, ensure military preparedness, and ensure the safety and security of our water supply, demonstrate that the United States' environmental laws and regulations are being vigorously enforced. Polluters who violate these laws are not allowed to gain an unfair economic advantage over law-abiding companies. The deterrent effect of the Division's work encourages voluntary compliance with environmental and natural resources laws, thereby improving the environment, the quality of our natural resources, and the safety and health of U.S. citizens.

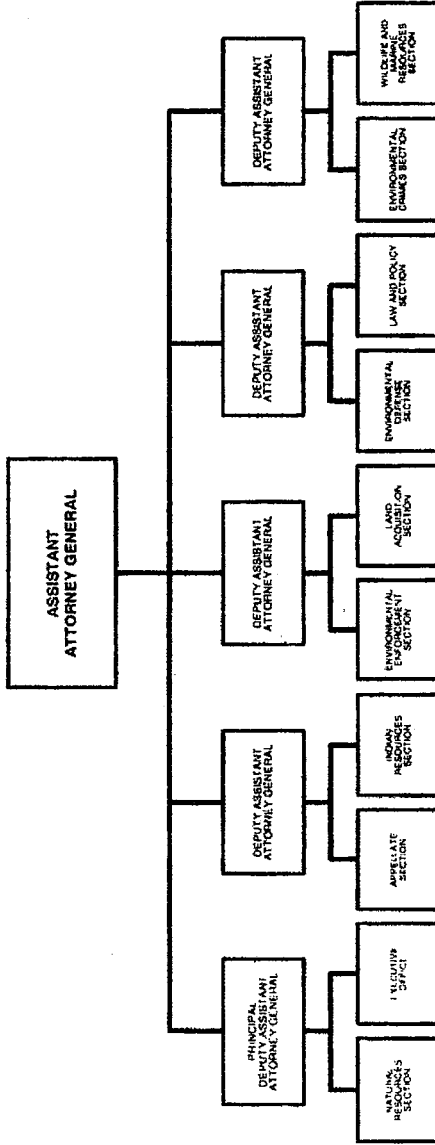
B. Strategies to Accomplish Outcomes

As our environment changes, so do the actions we take to preserve the health and life of those residing within the borders of the United States. Environmental groups and other interested parties challenge Administration policies every year. ENRD is responsible for defending federal agencies carrying out Administration policies every day. The Division has realized some remarkable successes to date. In an effort to continue our successful record of litigation, the Division has sought new and creative ways to utilize our limited resources. For example, ENRD has adopted a policy of "porosity," whereby cases involving the responsibilities of different sections within ENRD can be litigated by a single attorney, rather than two of three attorneys from different sections. As such, ENRD's porosity policy allows us to litigate case in a manner that conserves resources, without regard to bureaucratic distinctions within the Division. This policy has also resulted in more flexibility to shift workloads between attorneys when they become overburdened. Although cross-training staff grows our workforce's skills and abilities, it does not address long-term caseload issues.

The Division works collaboratively with client agencies towards adjudications, mediations, alternative dispute resolution (ADR), and settlements. These alternative methods of resolution are less contentious and save the government expenses associated with full-blown litigation. Water rights adjudications, reclamations, and inverse takings cases are typically handled in settlement mode versus litigation mode. Settlements often result in the most favorable outcome, and reach the largest number of people.

A. Organization Chart

ENVIRONMENT AND NATURAL RESOURCES DIVISION



Approved by  Date April 26, 2010
ERIC H. HOLDER, JR.
Attorney General

B. Summary of Requirements

Summary of Requirements
 Environment and Natural Resources Division
 Salaries and Expenses
 (Dollars in Thousands)

	FY 2014 Request		
	Direct Pos.	Estimate FTE	Amount
2012 Enacted	537	531	108,009
2013 Continuing Resolution			
2013 CR 0.612% Increase			
Total 2013 Continuing Resolution			661
Technical Adjustments			
Adjustment - 2013 CR 0.612%	537	520	108,670
Total Technical Adjustments			
Base Adjustments	0	0	-661
Transfers:	0	0	-661
JCON and JCON S/TS - To Components			
Office of Information Policy (OIP) - From Components	0	0	305
Professional Responsibility Advisory Office (PRAO) - From Components	0	0	-21
Pay and Benefits	0	0	-152
Domestic Rent and Facilities	0	0	935
Total Base Adjustments	0	0	3,556
Total Technical and Base Adjustments	0	0	4,623
2014 Current Services	0	0	3,962
Total Program Changes	537	520	112,632
2014 Total Request	0	0	0
2012 - 2014 Total Change	537	520	112,632
	0	-11	4,623

Note: The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

B. Summary of Requirements, (Cont.)

Summary of Requirements
 Environment and Natural Resources Division
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	2012 Appropriation Enacted			2013 Continuing Resolution *			2014 Technical and Base Adjustments			2014 Current Services		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Civil Litigation	483	478	97,208	483	473	97,803	483	473	3,566	483	473	101,369
Criminal Litigation	54	53	10,801	54	47	10,867	54	47	396	54	47	11,263
Total Direct	537	531	108,009	537	520	108,670	537	520	3,962	537	520	112,632
Balance Rescission			0			0			0			0
Total Direct with Rescission			108,009			108,670			3,962			112,632
Reimbursable FTE		104			115				0		115	
Total Direct and Reimb. FTE		635			635				0		635	
Other FTE:												
LEAP		0			0				0		0	
Overtime		0			0				0		0	
Grand Total, FTE		635			635				0		635	

Program Activity	2014 Increases			2014 Offsets			2014 Request		
	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Civil Litigation	0	0	0	0	0	0	483	473	101,369
Criminal Litigation	0	0	0	0	0	0	54	47	11,263
Total Direct	0	0	0	0	0	0	537	520	112,632
Balance Rescission			0			0			0
Total Direct with Rescission			0			0			112,632
Reimbursable FTE		0			0			115	
Total Direct and Reimb. FTE		0			0			635	
Other FTE:									
LEAP		0			0			0	
Overtime		0			0			0	
Grand Total, FTE		0			0			635	

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101(c)).

D. Resources by DOJ Strategic Goal and Strategic Objective

Resources by Department of Justice Strategic Goal/Objective Environment and Natural Resources Division Salaries and Expenses (Dollars in Thousands)																		
Strategic Goal and Strategic Objective	2012 Appropriation Enacted			2013 Continuing Resolution *			2014 Current Services			2014 Increases			2014 Offsets			2014 Total Request		
	Direct/ Reimb FTE	Direct Amount	Reimb Amount	Direct FTE	Direct Amount	Reimb Amount	Direct FTE	Direct Amount	Reimb Amount	Direct FTE	Direct Amount	Reimb Amount	Direct FTE	Direct Amount	Reimb Amount	Direct FTE	Direct Amount	
Goal 2 Prevent Crime, Protect the Rights of the American People, and enforce Federal Law																		
2.6 Protect the federal fisc and defend the interests of the United States.																		
	635	108,009	108,670	635	108,670	635	635	112,632	0	0	0	0	0	0	0	0	635	
Subtotal, Goal 2	635	108,009	108,670	635	108,670	635	635	112,632	0	0	0	0	0	0	0	0	635	
TOTAL	635	108,009	108,670	635	108,670	635	635	112,632	0	0	0	0	0	0	0	0	635	
Note: Excludes Balance Rescission and/or Supplemental Appropriations.																		
The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 301 (c)).																		

Note: Excludes Balance Rescission and/or Supplemental Appropriations.

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-75, Section 101 (c)).

E. Justification for Base Adjustments

Justifications for Technical and Base Adjustments Environment and Natural Resources Division Salaries and Expenses (Dollars in Thousands)				Direct Pos.	Estimate FTE	Amount
Technical Adjustments						
1 Adjustment - 2013 CR 0.612%: PL 112-175 section 101 (c) provided 0.612% across the board increase above the current rate for the 2013 CR funding level. This adjustment reverses this increase.				0	0	-661
Subtotal, Technical Adjustments				0	0	-661
Transfers						
1 UCON and JCON STIS: A transfer of \$305,151 is included in support of the Department's Justice Consolidated Office Network (UCON) and JCON STIS programs which will be moved to the Working Capital Fund and provided as a billable service in FY 2015.				0	0	305
2 Office of Information Policy (OIP): The component transfers for the Office of Information Policy (OIP) into the General Administration appropriation will centralize appropriated funding and eliminate the current reimbursable financing process. The centralization of the funding is administratively advantageous because it eliminates the paper-intensive reimbursement process.				0	0	-21
3 Professional Responsibility Advisory Office (PRAO): The component transfers for the Professional Responsibility Advisory Office (PRAO) into the General Administration appropriation will centralize appropriated funding and eliminate the current reimbursable financing process. The centralization of the funding is administratively advantageous because it eliminates the paper-intensive reimbursement process.				0	0	-152
Subtotal, Transfers				0	0	132
Pay and Benefits						
1 2014 Pay Raise: This request provides for a proposed 1 percent pay raise to be effective in January of 2014. The amount requested, \$576,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$454,000 for pay and \$124,000 for benefits.)						576
2 Annualization of 2013 Pay Raise: This pay annualization represents first quarter amounts (October through December) of the 2013 pay increase of 0.5% included in the 2013 President's Budget. The amount requested \$98,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$77,000 for pay and \$21,000 for benefits).						98
3 Employee Compensation Fund: The \$10,000 request reflects anticipated changes in payments to the Department of Labor for injury benefits under the Federal Employee Compensation Act.						-10
4 Health Insurance: Effective January 2014, the component's contribution to Federal employees' health insurance increases by 2.8 percent. Applied against the 2013 estimate, the additional amount required is \$115,000.						115
5 Retirement: Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 1.3 percent per year. The requested increase of \$154,000 is necessary to meet our increased retirement obligations as a result of this conversion.						154
Subtotal, Pay and Benefits				0	0	935

E. Justification for Base Adjustments (Cont.)

Justifications for Technical and Base Adjustments Environment and Natural Resources Division Salaries and Expenses (Dollars in Thousands)			
	Direct Pos.	Estimate FTE	Amount
Domestic Rent and Facilities			
1 General Services Administration (GSA) Rent: GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$125,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of an automated system, which uses the latest inventory data, including rate increases to be effective FY 2014 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied. GSA provides data on the rate increases.			
2 Guard Services: This includes Department of Homeland Security (DHS) Federal Protective Service charges, Justice Protective Service charges and other security services across the country. The requested reduction of -\$138,000 is required to meet these commitments.			
3 Moves (Lease Expirations): GSA requires all agencies to pay relocation costs associated with lease expirations. This request provides for the costs associated with new office relocations caused by the expiration of leases in FY 2014.			
Subtotal, Domestic Rent and Facilities	0	0	3,559
TOTAL DIRECT TECHNICAL AND BASE ADJUSTMENTS	0	0	3,962

F. Crosswalk of 2012 Availability

Crosswalk of 2012 Availability Environment and Natural Resources Division Salaries and Expenses (Dollars in Thousands)

Program Activity	2012 Appropriation Enacted w/o Balance Rescission			Balance Rescission			Reprogramming/Transfers			Carryover		Recoveries/ Refunds		2012 Actual		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Amount		Amount		Direct Pos.	Actual FTE	Amount
Civil Litigation	483	478	97,208	0	0	0	0	0	0	2,000		4		483	478	100,712
Criminal Litigation	54	53	10,801	0	0	0	0	0	0	0		0		54	53	10,801
Total Direct	537	531	108,009	0	0	0	0	0	0	2,000		4		537	531	111,513
Reimbursable FTE		104			0			0							104	
Total Direct and Reimb. FTE		635			0			0							635	
Other FTE:																
LEAP		0			0			0							0	
Overtime		0			0			0							0	
Grand Total, FTE		635			0			0							635	

Reprogramming/Transfers

Includes \$1,500,000 in Automated Litigation Support funding.

Carryover:

Includes \$2,000,000 in FY 2010 Deepwater Supplemental Appropriations.

Recoveries/Refunds:

Includes \$4,000 received in recoveries.

G. Crosswalk of 2013 Availability

Crosswalk of 2013 Availability
Environment and Natural Resources Division
Salaries and Expenses
(Dollars in Thousands)

Program Activity	FY 2013 Continuing Resolution			Supplemental Appropriation		Reprogramming/Transfers			Carryover		Recoveries/ Refunds		2013 Availability		
	Direct Pos.	Estim. FTE	Amount	Amount		Direct Pos.	Estim. FTE	Amount	Amount		Amount	Direct Pos.	Estim. FTE	Amount	
Civil Litigation	483	473	97,869	0	0	0	0	300	2,004	0	0	483	473	100,173	
Criminal Litigation	54	47	10,801	0	0	0	0	0	0	0	0	54	47	10,801	
Total Direct	537	520	108,670	0	0	0	0	300	2,004	0	0	537	520	110,974	
Balance Rescission			0											0	
Total Direct with Rescission			108,670											110,974	
Reimbursable FTE		115					0						115		
Total Direct and Reimb. FTE		635					0						635		
Other FTE:															
LEAP		0					0						0		
Overtime		0					0						0		
Grand Total, FTE		635					0						635		

Reprogramming/Transfers

Includes \$300,000 received in Automated Litigation Support funding.

Carryover:

Includes \$2,000,000 in FY 2010 Deepwater Supplemental Appropriations.

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

II. Summary of Reimbursable Resources

Summary of Reimbursable Resources Environment and Natural Resources Division Salaries and Expenses (Dollars in Thousands)												
Collections by Source	2012 Actual			2013 Planned			2014 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
Department of Agriculture			17			78			118	0	0	40
Department of Commerce			0			7			14	0	0	7
Department of Defense			1,380			1,573			1,873	0	0	300
Department of Energy			0			10			15	0	0	5
Department of Health and Human Services			3,016			3,165			3,100	0	0	-65
Department of Homeland Security			510			550			600	0	0	50
Department of Interior			4,253			5,000			6,200	0	0	1,200
Department of Justice			28,615			31,045			29,530	0	0	-1,515
Department of State			48			400			370	0	0	-30
Department of Treasury			5			10			10	0	0	0
Environmental Protection Agency	104	104	25,350	115	115	25,454	115	115	25,970	0	0	516
Federal Trade Commission			1,752			2,000			1,200	0	0	-800
Securities and Exchange Commission			11,215			15,208			17,500	0	0	2,292
Others			426			500			500	0	0	0
Budgetary Resources	104	104	76,587	115	115	85,000	115	115	87,000	0	0	2,000

I. Detail of Permanent Positions by Category

Detail of Permanent Positions by Category Environment and Natural Resources Division Salaries and Expenses (Dollars in Thousands)									
Category	2012 Appropriation		2013 Continuing Resolution		ATBs	2014 Request		Total Direct Pos.	Total Reimb. Pos.
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.		Program Increases	Program Offsets		
Security Specialists (080)	1	0	1	0	0	0	0	1	0
Personnel Management (200-299)	8	0	8	1	0	0	0	8	1
Clerical and Office Services (300-399)	69	21	69	23	0	0	0	69	23
Accounting and Budget (500-599)	7	0	7	0	0	0	0	7	0
Attorneys (905)	370	63	370	69	0	0	0	370	69
Paralegals / Other Law (900-998)	63	20	63	22	0	0	0	63	22
Business & Industry (1100-1199)	5	0	5	0	0	0	0	5	0
Information Technology Mgmt (2210)	14	0	14	0	0	0	0	14	0
Total	537	104	537	115	0	0	0	537	115
Headquarters (Washington, D.C.)	478	93	478	103	0	0	0	478	103
U.S. Field	59	11	59	12	0	0	0	59	12
Foreign Field	0	0	0	0	0	0	0	0	0
Total	537	104	537	115	0	0	0	537	115

K. Summary of Requirements by Grade

Summary of Requirements by Grade Environment and Natural Resources Division Salaries and Expenses (Dollars in Thousands)

Grades and Salary Ranges	2012 Enacted			2013 Continuing Resolution			2014 Request			Increase/Decrease	
	Direct Pos.	Amount		Direct Pos.	Amount		Direct Pos.	Amount		Direct Pos.	Amount
EX \$ 145,700 - 199,700	1	133		1	133		1	135		0	1
SES/SL \$ 119,554 - 179,700	21	3,142		21	3,157		21	3,189		0	31
GS-15 \$ 123,758 - 155,500	313	43,695		313	43,913		313	44,350		0	437
GS-14 \$ 105,211 - 136,771	34	4,114		34	4,135		34	4,176		0	41
GS-13 \$ 89,033 - 115,742	28	2,867		28	2,882		28	2,910		0	29
GS-12 \$ 74,872 - 97,333	22	1,894		22	1,904		22	1,923		0	19
GS-11 \$ 62,467 - 81,204	30	2,154		30	2,165		30	2,186		0	22
GS-10 \$ 56,857 - 73,917	2	131		2	131		2	133		0	1
GS-9 \$ 51,630 - 67,114	33	1,957		33	1,967		33	1,986		0	20
GS-8 \$ 46,745 - 60,765	22	1,184		22	1,190		22	1,201		0	12
GS-7 \$ 42,209 - 54,875	20	966		20	971		20	980		0	10
GS-6 \$ 37,983 - 49,375	1	44		1	44		1	44		0	0
GS-5 \$ 37,075 - 44,293	1	41		1	41		1	41		0	0
GS-4 \$ 30,456 - 39,590	5	175		5	176		5	178		0	2
GS-3 \$ 27,130 - 35,269	4	125		4	125		4	127		0	1
GS-2 \$ 24,865 - 31,292	0	0		0	0		0	0		0	0
GS-1 \$ 22,115 - 27,663	0	0		0	0		0	0		0	0
Total, Appropriated Positions	537	62,620		537	62,933		537	63,559		0	626
Average SES Salary		171,074			171,288			172,573			
Average GS Salary		116,976			117,122			118,001			
Average GS Grade		GS-14			GS-14			GS-14			

L. Summary of Requirements by Object Class

Summary of Requirements by Object Class

Environment and Natural Resources Division
Salaries and Expenses
(Dollars in Thousands)

Object Class	2012 Actual		2013 Availability *		2014 Request		Increase/Decrease	
	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 Full-Time Permanent	496	54,725	486	57,521	486	59,187	0	668
11.3 Other than Full-Time Permanent	35	4,351	34	4,369	34	4,369	0	0
11.5 Other Personnel Compensation	0	604	0	607	0	607	0	0
Overtime	0	0	0	0	0	0	0	0
Other Compensation	0	0	0	0	0	0	0	0
11.8 Special Personal Services Payments	0	155	0	155	0	155	0	0
Total	531	59,835	520	62,652	520	63,318	0	666
Other Object Classes								
12.0 Personnel Benefits	18,132	18,209	18,209	18,209	18,478	18,478	0	269
13.0 Benefits for former personnel	2	2	0	0	0	0	0	0
21.0 Travel and Transportation of Persons	2,392	2,392	2,392	2,392	2,392	2,392	0	0
22.0 Transportation of Things	326	326	323	323	323	323	0	0
23.1 Rental Payments to GSA	12,263	12,027	12,027	12,027	12,152	12,152	0	125
23.2 Rental Payments to Others	0	0	0	0	0	0	0	0
23.3 Communications, Utilities, and Miscellaneous Charges	1,220	1,223	1,223	1,223	1,223	1,223	0	0
24.0 Printing and Reproduction	58	58	58	58	58	58	0	0
25.1 Advisory and Assistance Services	496	1,535	496	1,535	1,533	1,533	0	0
25.2 Other Services from Non-Federal Sources	2,653	10,541	2,653	9,322	9,928	9,928	0	604
25.3 Other Goods and Services from Federal Sources	0	2,071	0	2,071	2,065	2,065	0	-6
25.4 Operation and Maintenance of Facilities	0	0	0	0	0	0	0	0
25.5 Research and Development Contracts	0	0	0	0	0	0	0	0
25.6 Medical Care	0	0	0	0	0	0	0	0
25.7 Operation and Maintenance of Equipment	0	0	0	0	0	0	0	0
25.8 Substances and Support of Persons	0	0	0	0	0	0	0	0
26.0 Supplies and Materials	408	409	409	409	409	409	0	0
31.0 Equipment	739	741	741	741	741	741	0	0
32.0 Land and Structures	0	0	0	0	0	0	0	0
41.0 Grants, Subsidies, and Contributions	0	0	0	0	0	0	0	0
42.0 Insurance Claims and Indemnities	0	0	0	0	0	0	0	0
Total Obligations	109,068	110,974	110,974	112,632	112,632	112,632	0	1,668
Subtract - Unobligated Balance, Start-of-Year	-2,000	-2,000	-2,004	0	0	0	0	2,004
Subtract - Transfers/Reprogramming	0	-300	0	0	0	0	0	300
Subtract - Reallocations	-1,500	-1,500	0	0	0	0	0	0
Subtract - Recoveries/Refunds	-4	-4	0	0	0	0	0	0
Add - Unobligated End-of-Year, Available	2,004	2,004	0	0	0	0	0	0
Add - Unobligated End-of-Year, Expiring	440	440	0	0	0	0	0	0
Total Direct Requirements	0	108,009	0	108,670	0	112,632	0	3,962
Reimbursable FTE								
Full-Time Permanent	104	104	115	115	115	115	0	0
23.1 Rental Payments to GSA (Reimbursable)	2,393	2,393	2,344	2,344	2,344	2,344	0	0
25.3 Other Goods and Services from Federal Sources (Reimbursable)	189	189	189	189	186	186	0	0

The 2013 Availability includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

Exhibit L

Department of Justice

**PERFORMANCE BUDGET
CONGRESSIONAL SUBMISSION
OFFICE OF LEGAL COUNSEL
March 27, 2013**

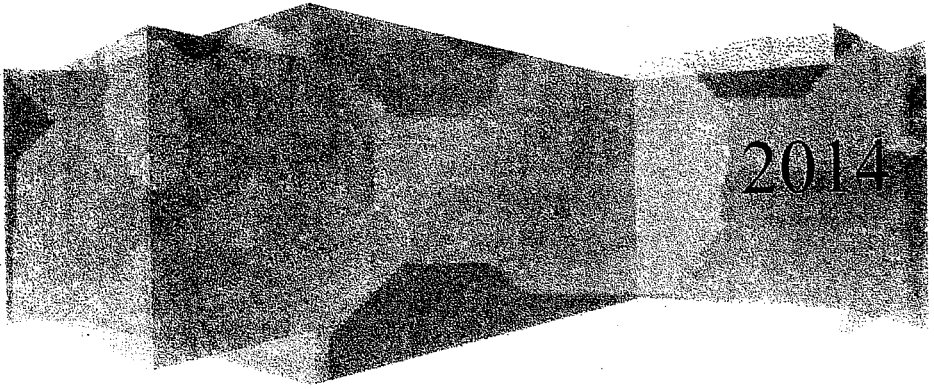


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I. Overview for Office of Legal Counsel

1. Introduction

In FY 2014, the Office of Legal Counsel (OLC) requests a total of \$7,170,000, 29 positions (of which 27 are attorneys), and 20 FTEs.

With the requested FY 2014 resources, OLC will be able to continue to provide top-quality legal advice on matters related to national security, civil rights, crime fighting programs, and legislative initiatives, as well as a range of other legal issues concerning constitutional, regulatory, and statutory authority. Although specifically included only under Strategic Goal II ("Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law"), OLC is involved in every aspect of the Department's Strategic Plan. OLC has issued opinions or otherwise rendered legal advice touching on virtually every aspect of the Department's overall work and mission.

2. Issues, Outcomes and Strategies

OLC's mission remains highly critical and urgent as the Department enters into a new era of responsibility confronting national security and intelligence challenges, reinvigorating federal civil rights enforcement, and advising the agencies involved in responding to the economic crisis.

OLC is headed by an Assistant Attorney General who is appointed by the President and confirmed by the Senate. The Office provides formal opinions and informal advice in response to requests from the Counsel to the President, the various departments and agencies of the Executive Branch, and offices within the Department, including the offices of the Attorney General and Deputy Attorney General. Such requests frequently deal with legal issues about which two or more agencies are in disagreement. OLC has already published 43 of its opinions issued in this Administration. The opinions and legal advice cover constitutional and statutory questions from a wide range of fields, including national security, criminal law, civil rights, fiscal law, and appointment and removal authorities. OLC gives critical advice on how the executive branch organizes itself and carries out its missions. OLC also reviews hundreds of pieces of pending legislation annually for constitutionality and reviews all proposed Executive Orders and proclamations, as well as proposed regulations and Orders of the Attorney General, for form and legality.

Because formal Attorney General Opinions, which OLC would draft, are so rare, requests for opinions typically result in the preparation of legal opinions signed by OLC's Assistant Attorney General or one of the Office's Deputies. Opinions are based upon the research of one or more of the Office's staff attorneys and review by at least two Deputies. Other requests often result in the provision of more informal advice to the client agencies.

Since 1977, at the direction of the Attorney General, OLC has published selected formal opinions. Volumes covering the years 1977 through 2002 have been issued in hardback and OLC continues to work toward publishing in hardback form opinions from 2003 to the

present. As an interim step, OLC has published opinions from 1992 to 2012 on its website <http://www.usdoj.gov/olc/opinions.htm>. In addition, OLC has accelerated the timeliness by which it publishes opinions on its website. The rate of publication has increased, and the time between opinion signing and publication has decreased. Work on this effort will continue into FY 2014.

Beginning in FY 2012, OLC has been working on and updating a series of presidential emergency action documents (PEADs), first prepared by OLC in 1989 and updated pursuant to presidential directive in 2008. PEADs are pre-coordinated legal documents designed to implement a Presidential decision or transmit a Presidential request when an emergency disrupts normal governmental or legislative processes. A PEAD may take the form of a Proclamation, Executive Order, or Message to Congress. The PEAD Portfolio as an entirety is classified Secret; however, after signature by the President, individual PEADs are unclassified. OLC has been charged by the National Security Staff with conducting its current legal review of the PEADs, expected to be completed by December 2013, to ensure that each of the current 56 documents reflects current law and adequately addresses the emergencies for which it was prepared.

OLC's detailed PEAD review involves original legal research, review of other agencies' legal work, and a substantial amount of legal writing and editing. The Office estimates that this review will entail hundreds of hours of legal work involving attorneys and support staff at all levels within the Office. With only 27 attorney positions (including management) in OLC, it has become exceedingly difficult to perform all of the traditional functions of the Office while maintaining adequate focus on matters related to national security and homeland security. In addition, there continues to be an increase in congressional oversight of the activities of the Executive Branch. This in turn has resulted in a significant increase in this aspect of OLC's separation of powers work, because OLC is the principal office providing legal advice to the White House and Executive Branch concerning their responses to congressional oversight.

In recent years, OLC has been the subject of a large number of Freedom of Information Act requests and lawsuits, particularly concerning OLC's work in the national security area, but, also including domestic affairs. This entails a significant commitment of time and effort from a team of attorneys and paralegals.

DOJ Strategic Goal 2: Enforce Federal Laws and Represent the Rights and Interests of the American People (FY 2014 Request: \$7,170,000)

3. Full Program Costs

OLC's budget is fully integrated with its own priorities as well as the full range of the Department's Strategic Goals and Objectives, most especially Strategic Goal II: ("Enforce Federal Laws and Represent the Rights and Interests of the American People").

4. Performance Challenges

OLC's ability to accomplish its mission centers primarily on its ability to maximize resources to meet the demands of an externally-driven workload.

External Challenges: OLC generally does not initiate any programs, nor does it have control over the volume of its work. The work results from requests for opinions and legal advice from the Counsel to the President; general counsels of OMB and other Executive Office of the President components; general counsels of Executive Branch departments and agencies; the Attorney General and other Department of Justice officials. The lack of control over this externally-driven workload has been and is likely to remain a feature of OLC's mission, and is inherent in all aspects of the Office's work in reviewing legislation, testimony, and Presidential documents.

Internal Challenges: Because OLC is a relatively small component, representing only a single decision unit, OLC has little flexibility in responding to unexpected surges in workload, such as those created by national security matters or the financial crisis.

5. Environmental Accountability

In compliance with Executive Order 13423, OLC is striving to integrate environmental accountability into our strategic management plans with the inclusion of procurement governance on Sustainable Buildings, Energy Management, Transportation, Recycling, Water Management, Environmental Management Systems, Electronics Stewardship, and the reduction of Toxic and Hazardous Chemicals

II. Summary of Program Changes

Due to fiscal constraints, staffing challenges and the need for constant reevaluation of processes to find the most efficient management of resources, several executive office functions of the Office of Legal Counsel (OLC) and the Office of Solicitor General (OSG) have been consolidated. OLC and OSG are similarly sized components of the General Legal Activities (GLA) appropriation. The executive offices of these two offices have been merged into a single, unified executive office. This consolidation streamlines the executive office functions of OSG and OLC and combines many of the overlapping functions.

Item Name	Description	Description			Page
		Pos.	FTE	Dollars (\$000)	
Office of Legal Counsel	OLC/OSG Administrative Functions Consolidation	0	0	-232	

III. Appropriations Language and Analysis of Appropriations Language

Appropriations Language

Please refer to the General Legal Activities consolidated exhibit and related analysis.

IV. Decision Unit Justification

A. Office of Legal Counsel

<i>Office of Legal Counsel</i>	Permanent Positions	FTE	Amount
2012 Enacted	37	28	7,605
2013 Continuing Resolution	37	28	7,652
2013 Continuing Resolution 0.612% Increase	0	0	-47
2013 Current Services	37	28	7,605
2013 Supplemental Appropriation – Sandy Hurricane Relief	0	0	0
Base and Technical Adjustments	-8	-8	-250
2014 Current Services	29	20	7,402
2014 Program Increase	0	0	0
2014 Program Offsets	0	0	-232
2014 Request	29	20	7,170
Total Change 2012-2014	-8	-8	-435

1. Program Description

Playing a major role in intelligence and national security reforms and issues following September 11, 2001, OLC has continued to devote a significant portion of its resources to providing legal advice to the White House, the Attorney General, and other Executive Branch agencies in these areas, and we do not expect that to change. This focus has, unfortunately, come at the expense of some of the rest of the Office's workload. The Office is also now taxed by the demands placed upon it by handling the legal issues that have arisen in relation to pending legislation.

In addition to these responsibilities, OLC will continue its principal duty of assisting the Attorney General in his role as legal advisor to the President and Executive Branch agencies. OLC will also continue in FY 2014 to serve as arbiter of legal disputes within the Executive Branch, to provide general legal assistance to other components of the Department, including where litigation or proposed legislation raises constitutional issues or general issues of executive authority, and to review for form and legality all Executive Orders and Proclamations to be issued by the President, as well as all proposed Orders of the Attorney General and all regulations requiring Attorney General approval.

OLC's role in the Department's legislative program has increased dramatically in recent years, and includes drafting comments on pending legislation and testimony. OLC regularly receives legislation for review from both OMB and the Department's Office of Legislative Affairs, in addition to specific requests from other agencies; the volume is high and the deadlines usually urgent. OLC has taken a major role in preparing testimony in connection with pending legislation of interest to the Department and the Executive Branch, and has assisted in the drafting of legislation. In addition, because of its expertise in certain areas, OLC has assumed an on-going advisory role to other Department components, including the Office of the Solicitor General, the National Security Division, and the litigating divisions, on issues relating to, among other things, constitutional rights, national security, and immigration matters.

2. Performance and Resource Tables

PERFORMANCE AND RESOURCES TABLE									
Decision Unit: Office of Legal Counsel									
RESOURCES	Target		Actual		Projected		Changes		Requested (Total)
	FY 2012		FY 2012		FY 2013 CR		Current Services Adjustments and FY 2014 Program Changes		FY 2014 Request
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE
	28	7,605	28	6,590	28	7,652	-8	482	20
TYPE/ STRATEGIC OBJECTIVE	FY 2012		FY 2012		FY 2013		Current Services Adjustments and FY 2014 Program Changes		FY 2014 Request
	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE
Program Activity	28	7,605	28	6,590	28	7,652	-8	482	20
Performance Measure: Output	1700		1700		1700				1700
Performance Measure: Efficiency	190		190		190				190
Performance Measure: Outcome									

Data Definition, Validation, Verification, and Limitations: Use this section to discuss data terms, data sources, how the information is collected, how the information is verified, and data limitations to include how well the indicator measures performance in this area.

PERFORMANCE MEASURE TABLE

Decision Unit:

Performance Report and Performance Plan Targets		FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012		FY 2013	FY 2014
Performance Measure		Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Provision of Legal Opinions on Constitutional Questions from the President and Executive Branch		1,700	1,700	1,700	1,700	1,700	1,700		1,700	1,700
Review form and legality of all proposed Executive Orders and Proclamations to be issued by the President		190	190	190	190	190	190		190	190

N/A = Data unavailable

* Denotes inclusion in the DOJ Annual Performance Plan

3. Performance, Resources, and Strategies

The Office of Legal Counsel represents a single decision unit. Given its primary mission (“assisting the Attorney General in his role as legal advisor to the President and Executive Branch agencies”), OLC is involved in every aspect of the Department’s Strategic Plan. OLC has issued opinions or otherwise rendered legal advice touching on virtually every aspect of the Department’s overall work and mission.

a. Performance Plan and Report for Outcomes

Because of the legal advisory nature of its mission and workload, OLC is not included for review in the Department’s Performance and Accountability Report (PAR). This budget submission is part of the Department’s Performance Plan since we are reporting targets through FY13. However, OLC does not have measures in the PAR.

b. Strategies to Accomplish Outcomes

Since September 11, 2001, OLC has had to realign its priorities in terms of workload and assignments in order to meet the variety of new challenges, while still endeavoring to meet its ongoing workload demands to the greatest extent possible with existing resources.

c. Priority Goals

OLC’s Priority Goals for FY 2014 are as follows:

- Provide critical legal advice to the White House, the Attorney General, other components of DOJ, and other Executive Branch agencies
- Resolve intra-Executive Branch disputes over legal questions
- Advise whether proposed legislation raises constitutional issues or other legal issues of general concern to the Executive Branch
- Approve for form and legality all Executive Orders and Orders of the Attorney General

V. Program Increases by Item:

N/A

VI. Program Offsets by Item

Item Name: Administrative Functions Consolidation
Budget Decision Unit(s): Office of Legal Counsel
Strategic Goal(s) & Objective(s): Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law
Organizational Program: Office of Legal Counsel
Program Reduction: Positions 0 Atty 0 FTE 0 Dollars -\$232,000

Description of Item

The offset reflects consolidation of the Office of Solicitor General (OSG) and Office of Legal Counsel's (OLC) administrative functions by merging both components' executive offices into a single executive office.

Summary Justification

OSG and OLC are similarly sized components of the General Legal Activities (GLA) appropriation. Due to fiscal constraints, staffing challenges, and the need for constant reevaluation of processes to find the most efficient management of resources, several executive office functions have been consolidated in these two components by merging the executive offices of OLC and OSG into a single, unified executive office. This consolidation streamlines the executive office functions of OSG and OLC and combines many of the similar functions.

Impact on Performance (Relationship of Decrease to Priority Goals)

This reduction will not affect OLC's ability to accomplish its mission. The consolidation of the executive office functions will allow both OLC and OSG to operate in a more streamlined and efficient manner.

FundingBase Funding

FY 2014 Enacted				FY 2015 CR				FY 2014 Current Affairs			
Pos	agt/atty	FTE	\$(000)	Pos	agt/atty	FTE	\$(000)	Pos	agt/atty	FTE	\$(000)
0		0	-232	0	0	0	-232	0	0	0	-232

Personnel Reduction Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Reduced	FY 2014 Request (\$000)	FY 2015 Net Annualization (change from 2014) (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)
Admin	N/A	0	-232		
Total Personnel	N/A	0	-232		

Non-Personnel Reduction Cost Summary

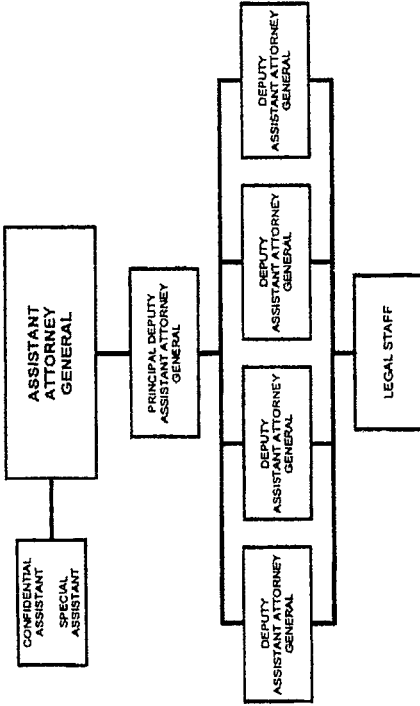
Non-Personnel Item	Unit	Quantity	FY 2014 Request (\$000)	FY 2015 Net Annualization (change from 2014) (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)
Total Non-Personnel	N/A	N/A	0	0	0

Total Request for this Item

	Pos	Agt/Atty	FTE	Total (\$000)	FY 2014 Net Annualization (change from 2014) (\$000)	FY 2015 Net Annualization (change from 2015) (\$000)
Current Services	0	0	0	-232		
Decreases	0	0	0	0		
Grand Total	0	0	0	-232		

A: Organizational Chart

OFFICE OF LEGAL COUNSEL



* Executive, legal and administrative support services are cross-serviced by the Office of the Solicitor General.

Approved by:

[Signature]
ERIC K. HOLDER, JR.
Attorney General

Date: Aug. 23, 2012

Summary of Requirements

B. 5

Summary of Requirements
Office of Legal Counsel
Salaries and Expenses
(Dollars in Thousands)

	FY 2014 Request		
	Direct Pos.	Estimate FTE	Amount
2012 Enacted	37	28	7,604
2013 Continuing Resolution	37	28	7,604
2013 CR 0.812% Increase			47
Total 2013 Continuing Resolution	37	28	7,652
Technical Adjustments			
Adjustment - 2013 CR 0.812%			47
Total Technical Adjustments	0	0	47
Base Adjustments			
Transfers:			
Administrative Positions - To OSO	-5	-5	-370
JCOIN and JCOIN SRS - To Components	0	0	29
Office of Information Policy (OIP) - From Components	0	0	-25
Professional Responsibility Advisory Office (PROAO) - From Components	0	0	254
Pay and Benefits	0	0	113
Domestic Rent and Facilities	0	0	-203
Total Base Adjustments	-5	-5	-260
Total Technical and Base Adjustments	-5	-5	-213
2014 Current Services	23	20	7,402
Program Changes			
Onsets:			
OLCOSO Executive Office Mgr	0	0	232
Subtotal, Onsets	0	0	232
Total Program Changes	0	0	232
2014 Total Request	23	20	7,170
2012 - 2014 Total Change	-3	-3	-433

Note: The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

B. Summary of Requirements

Summary of Requirements
 Office Of Legal Counsel
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	2012 Appropriation Enacted			2013 Continuing Resolution*			2014 Technical and Base Adjustments			2014 Current Services		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Office Of Legal Counsel	37	28	7,605	37	28	7,652	-8	-8	-250	29	20	7,402
Total Direct	37	28	7,605	37	28	7,652	-8	-8	-250	29	20	7,402
Balance Rescission			0			0						
Total Direct with Rescission			0			0						
Reimbursable FTE		0	7,605		0	7,652		0	-250		0	7,402
Total Direct and Reimb. FTE	28	28	7,605	28	28	7,652	0	-8	-250	20	20	7,402
Other FTE:												
LEAP	0	0	0	0	0	0	0	0	0	0	0	0
Overtime	0	0	0	0	0	0	0	0	0	0	0	0
Grand Total, FTE	28	28		28	28			-8		20	20	

Program Activity	2014 Increases			2014 Offsets			2014 Request		
	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Office Of Legal Counsel	0	0	0	0	0	-232	29	20	7,170
Total Direct	0	0	0	0	0	-232	29	20	7,170
Balance Rescission			0			0			0
Total Direct with Rescission			0			0			0
Reimbursable FTE		0	0		0	-232			7,170
Total Direct and Reimb. FTE	0	0	0	0	0	-232	0	20	7,170
Other FTE:									
LEAP	0	0	0	0	0	0	0	0	0
Overtime	0	0	0	0	0	0	0	0	0
Grand Total, FTE	0	0	0	0	0	0	20	20	0

*The 2013 Continuing Resolution includes the 0.812% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101(c)).

FY 2014 Program Increases/Offsets by Decision Unit
Office of Legal Counsel
Salaries and Expenses
(Dollars in Thousands)

Program Offsets	Location of Description by Program Activity	Office of Legal Counsel				Total Offsets			
		Direct Pos.	Ag/L Atty.	Est. FTE	Amount	Direct Pos.	Ag/L Atty.	Est. FTE	Amount
OLC/OSG Executive Office Merger		0	0	0	-232	0	0	0	-232
Total Program Offsets		0	0	0	-232	0	0	0	-232

D. Resources by DOJ Strategic Goal and Strategic Objective

Resources by Department of Justice Strategic Goal/Objective
Office of Legal Counsel
Salaries and Expenses
(Dollars in Thousands)

Strategic Goal and Strategic Objective	2012 Appropriation Enacted		2013 Continuing Resolution		2014 Current Services		2014 Increases		2014 Offsets		2014 Total Request	
	Direct/ Reimb. FTE	Amount	Direct/ Reimb. FTE	Amount	Direct/ Reimb. FTE	Amount	Direct/ Reimb. FTE	Amount	Direct/ Reimb. FTE	Amount	Direct/ Reimb. FTE	Amount
Goal 2 Prevent Crime, Protect the Rights of the American People, and enforce Federal Law												
2.1 Combat the threat, incidence, and prevalence of violent crime	28	7,605	28	7,652	20	7,402	0	0	0	-232	20	7,170
Subtotal, Goal 2	28	7,605	28	7,652	20	7,402	0	0	0	-232	20	7,170
Subtotal, Goal 3	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	28	7,605	28	7,652	20	7,402	0	0	0	-232	20	7,170

NOTE: Excludes Balance Rescission and/or Supplemental Appropriations

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

E. Justification for Technical and Base Adjustments

Justifications for Technical and Base Adjustments

Office of Legal Counsel
Salaries and Expenses
(Dollars In Thousands)

	Direct Pos.	Estimate FTE	Amount
Technical Adjustments			
1 <u>Adjustment - 2013 CR 0.612%</u> PL 112-175 section 101 (c) provided 0.612% across the board increase above the current rate for the 2013 CR funding level. This adjustment reverses this increase.	0	0	-47
Subtotal, Technical Adjustments	0	0	-47
Transfers	0	0	0
1 <u>OSG and OLC Executive Office Merger</u> The Office of the Solicitor General (OSG) and the Office of Legal Counsel (OLC) are similarly sized components of the General Legal Activities (GLA) appropriation. Due to fiscal constraints, staffing challenges, and the need for constant reevaluation of processes to find the most efficient management of resources, several executive office functions have been consolidated in these two components by merging the executive offices of OSG and OLC into a single, unified executive office.	-6	-6	-570
2 <u>JCON and JCON SITS</u> A transfer of \$29,000 is included in support of the Department's JCON and JCON SITS programs which will be moved to the Working Capital Fund and provided as a billable service in FY 2014.	0	0	29
3 <u>OIP and PRAO Reimbursable Agreements</u> Via reimbursable vehicle, OLC transfers funding to the Office of Information and Policy (OIP) and the Professional Responsibility Advisory Office (PRAO) into the General Administration appropriation. The centralization of the funding is administratively advantageous because it eliminates the paper-intensive reimbursement process. The FY 2013 transfer amounts for OIP and PRAO are based on the FY 2012 actual costs plus standard inflation per year (the average increase over the past three years) to bridge to FY 2013 amounts. The amount per component is based on the average percentages of total costs paid by that component since 2007.	0	0	-30
Subtotal, Transfers	-6	-6	-571
Pay and Benefits			
1 <u>2014 Pay Raise</u> This request provides for a proposed 1 percent pay raise to be effective in January of 2014. The increase only includes the general pay raise. The amount request, \$255,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$186,000 for pay and \$69,000 for benefits.)	-2	-2	248
2 <u>Retirement</u> Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 1.3 percent per year. The requested increase of \$7,000 is necessary to meet our increased retirement obligations as a result of this conversion.			7
Subtotal, Pay and Benefits	-2	-2	255
Domestic Rent and Facilities			
1 <u>General Services Administration (GSA) Rent</u> GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$115,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of an automated system, which uses the latest inventory data, including rate increases to be effective FY 2014 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied. GSA provides data on the rate increases.			115
2 <u>Guard Services</u> This includes Department of Homeland Security (DHS) Federal Protective Service charges, Justice Protective Service charges and other security services across the country. The requested decrease of \$2,000 is required to meet these commitments			-2
Subtotal, Domestic Rent and Facilities	0	0	113
TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS	-8	-8	-250

F. Crosswalk of 2012 Availability

Crosswalk of 2012 Availability
Office of Legal Counsel
Salaries and Expenses
(Dollars in Thousands)

Program Activity	2012 Appropriation Enacted w/o Balance Rescission			Balance Rescission			Reprogramming/Transfers			Carryover		Recoveries/ Refunds		2012 Actual	
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Amount		Amount		Actual FTE	Amount
Office of Legal Counsel	37	28	7,685	0	0	0	0	-6	-143	0	0	0	0	31	7,452
	37	28	7,685	0	0	0	0	-6	-143	0	0	0	0	31	7,452
Total Direct	37	28	7,685	0	0	0	0	-6	-143	0	0	0	0	31	7,452
Reimbursable FTE		28			0				0						
Total Direct and Reimb. FTE		28			0				0						
Other FTE		0			0				0						
LEAP		0			0				0						
Overtime		0			0				0						
Grand Total, FTE		28			0				-1					27	

Reprogramming/Transfers

A total of \$143K was reprogrammed from OLC to OSG as a result of the merger of the executive office functions

Carryover:**Recoveries/Refunds:**

Crosswalk of 2013 Availability
 Office of Legal Counsel
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2013 Continuing Resolution			Supplemental Appropriation Amount	Reprogramming/Transfers			Carryover Amount	Recoveries/Refunds Amount	2013 Availability		
	Direct Pos.	Estim. FTE	Amount		Direct Pos.	Estim. FTE	Amount			Direct Pos.	Estim. FTE	Amount
Federal Appellate Activity	37	28	7,552	0	-8	-8	-570	0	0	29	20	7,082
Total Direct	37	28	7,552	0	-8	-8	-570	0	0	29	20	7,082
Balance Rescission			0									0
Total Direct with Rescission			7,552									7,082
Reimbursable FTE		28				-8		0			20	
Total Direct and Reimb. FTE		28				-8		0			20	
Other FTE:												
LEAP		0				0		0			0	
Overtime		0				0		0			0	
Grand Total FTE		28				-8		0			20	

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (e)).

Reprogramming/Transfers

A total of \$570K will be reprogrammed from OLC to OSG as a result of the merger of executive office functions.

Carryover:

Recoveries/Refunds:

I. Detail of Permanent Positions by Category

Detail of Permanent Positions by Category

Office of Legal Counsel
Salaries and Expenses
(Dollars in Thousands)

Category	2012 Appropriation Enacted		2013 Continuing Resolution		ATFs	2014 Request			Total Reimb. Pos.
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.		Program Increases	Program Offsets	Total Direct Pos.	
Clerical and Office Services (300-399)	8	0	8	0	-6	0	0	2	0
Attorneys (905)	25	0	25	0	2	0	0	27	0
Paralegals / Other Law (900-998)	4	0	4	0	-4	0	0	0	0
Total	37	0	37	0	-8	0	0	29	0
Headquarters (Washington, D.C.)	37	0	37	0	-8	0	0	29	0
U.S. Field	0	0	0	0	0	0	0	0	0
Foreign Field	0	0	0	0	0	0	0	0	0
Total	37	0	37	0	-8	0	0	29	0

K. Summary of Requirements by Grade

Summary of Requirements by Grade

Office of Legal Counsel
Salaries and Expenses
(Dollars in Thousands)

Grades and Salary Ranges		2012 Enacted		2013 Continuing Resolution		2014 Request		Increase/Decrease	
		Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount
EX	\$ 145,700 - 199,700	1	156	1	156	1	158	0	2
SES/SL	\$ 119,554 - 179,700	9	1,585	9	1,585	9	1,601	0	16
GS-15	\$ 123,758 - 155,500	16	2,392	17	2,548	16	2,146	-1	-402
GS-14	\$ 105,211 - 136,771	1	126	3	315	2	212	-1	-103
GS-13	\$ 89,033 - 115,742	1	92	1	92	0	0	-1	-92
GS-12	\$ 74,872 - 97,333	2	194	2	194	0	0	-2	-194
GS-11	\$ 62,467 - 81,204	6	468	3	231	2	154	-1	-77
GS-9	\$ 51,630 - 67,114	1	52	0	0	-1	-53	-1	-53
GS-7	\$ 42,209 - 54,875	0	0	1	42	0	0	-1	-42
Total, Appropriated Positions		37	5,065	37	5,163	29	4,218	-8	-945
Average SES Salary			179,700		185,091		190,644		
Average GS Salary			121,566		123,615		127,323		
Average GS Grade			14		14		14		

L. Summary of Requirements by Object Class

Summary of Requirements by Object Class
Office of Legal Counsel
Salaries and Expenses
(Dollars in Thousands)

Object Class	2012 Actual		2013 Availability*		2014 Request		Increase/Decrease	
	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 Full-Time Permanent	28	3,458	28	3,815	20	3,934	-8	-119
11.3 Other than Full-Time Permanent	0	346	0	274	0	261	0	-13
11.5 Other Personnel Compensation	0	66	0	194	0	214	0	20
Overriding	0	0	0	0	0	0	0	0
Other Compensation	0	0	0	0	0	0	0	0
11.8 Special Personal Services Payments	0	0	0	0	0	0	0	0
Total	28	3,870	28	4,283	20	4,409	-8	-126
Other Object Classes								
12.0 Personnel Benefits		1,030		902		1,053		161
21.0 Travel and Transportation of Persons		5		10		5		-5
22.0 Transportation of Things		29		40		40		0
23.1 Rental Payments to GSA		1,117		1,128		1,130		2
23.2 Rental Payments to Others		43		43		43		0
23.3 Communications, Utilities, and Miscellaneous Charges		82		100		94		-6
24.0 Printing and Reproduction		61		75		40		-35
25.2 Other Services from Non-Federal Sources		25		65		53		-12
25.3 Other Goods and Services from Federal Sources		223		278		172		-106
25.6 Medical Care		3		3		3		0
25.7 Operation and Maintenance of Equipment		9		12		12		0
26.0 Supplies and Materials		82		100		96		-4
31.0 Equipment		43		10		10		-33
Total Obligations		5,589		7,082		7,170		88
Subtract - Unobligated Balance, Start-of-Year				0		0		0
Subtract - Transfers/Reprogramming		143		570		0		-570
Subtract - Recoveries/Refunds		0		0		0		0
Add - Unobligated End-of-Year, Available		873		0		0		0
Add - Unobligated End-of-Year, Expiring				0		0		0
Total Direct Requirements	28	7,505	28	7,552	20	7,170		-432
Reimbursable FTE								
Full-Time Permanent	0		0		0			0
23.1 Rental Payments to GSA (Reimbursable)		0		0		0		0
25.3 Other Goods and Services from Federal Sources - DHS Security (Reimbursable)		0		0		0		0

*The 2013 Availability includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P. L. 112-175, Section 101 (c)).

U.S. Department of Justice
FY 2014 PERFORMANCE BUDGET
Congressional Submission

Civil Rights Division

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L. Summary of Requirements by Object Class	

I. Overview

1. Introduction

In FY 2014, the Civil Rights Division (CRT) requests a total of \$155,233,000, 799 positions, 672 direct FTE, and 427 attorneys to enforce the Country's civil rights laws in a fair and uniform manner. This request includes three program increases as follows: \$5,072,000, 50 positions, 25 direct FTE, and 25 attorneys to strengthen and restore civil rights enforcement; \$1,500,000, 15 positions, 8 direct FTE and 10 attorneys to support enforcement efforts associated with financial and mortgage fraud; and \$1,928,000, 20 positions, 10 direct FTE and 9 attorneys to address crimes involving police misconduct. Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.justice.gov/02organizations/bpp.htm>.

The Civil Rights Division does not have regional offices. All Division employees are stationed in Washington D.C. Because of this, nearly all Division attorneys and, occasionally, some non-attorney personnel are required to travel since litigation activities occur in all parts of the United States.

2. Background

The Civil Rights Division of the Department of Justice was established in 1957. The Division is the program institution within the Federal Government responsible for enforcing Federal statutes prohibiting discrimination on the basis of race, sex, gender preference, disability, religion, and national origin. Since its establishment, the Division's enforcement responsibilities have grown dramatically to include enforcing anti-discrimination protections in education, employment, credit, housing, public accommodations and facilities, voting, and certain federally funded and conducted programs. In addition, the Division's role in prosecuting actions under criminal civil rights statutes designed to preserve personal liberties and safety has expanded substantially.

Our Nation's civil rights laws prohibit discriminatory conduct in a wide variety of settings, such as housing, employment, voting, mortgage lending, education, public accommodations, access by the disabled to services and facilities, activities that receive Federal Financial Assistance (FFA), and the treatment of juvenile and adult detainees as well as residents of public institutions. The Federal civil rights laws also provide safeguards against criminal actions such as official misconduct by law enforcement personnel, trafficking in persons, and bias motivated crimes. DOJ ensures compliance with basic Federal civil rights protections through a multifaceted program of criminal and civil enforcement designed to target and deter discriminatory conduct. CRT also seeks voluntary compliance with civil rights statutes through a variety of educational, technical assistance, and outreach programs.

CRT has three significant goals: (1) to fulfill the promise of basic civil rights protections through effective and vigorous enforcement of the law; (2) to deter and remedy discriminatory and illegal conduct through the successful prosecution of these federal laws; and (3) to promote voluntary compliance and civil rights protection through a variety of educational, technical assistance, and outreach programs.

CRT is comprised of 11 program-related sections, the Professional Development Office, the Office of Employment Counsel, and the Administrative Management Section. A description of responsibilities and activities, as well as accomplishments for CRT's program-related sections is presented below. The Criminal Section falls under Criminal Enforcement. The other ten program-related sections fall under the Civil Enforcement program area.

In July 2010, the Administration released the *National HIV/AIDS (NHAS) Strategy for the United States*, the nation's first comprehensive plan for responding to the domestic HIV epidemic. The President designated the Department of Justice (DOJ) as one of six executive agencies responsible for

implementing the Strategy at the Federal level. DOJ has produced an operational plan and responsibility for taking steps to achieve the goals of the Strategy is dispersed across the department with lead responsibility for coordinating efforts delegated to the Assistant Attorney General for Civil Rights. The Strategy focuses on three overarching goals: reducing the number of new HIV infections, increasing access to care for people living with HIV, and reducing HIV-related health disparities. DOJ has an essential role to play in meeting these NHAS goals because it is one of the leading Federal partners on the efforts to reduce stigma and illegal discrimination experienced by those with HIV. Pursuant to the Strategy and DOJ's operational plan, DOJ has entered into eight settlement agreements to resolve complaints of discrimination on the basis of HIV under the Americans with Disabilities Act (ADA) and currently has more than 15 active investigations into allegations of HIV discrimination under the ADA. In June 2012, DOJ published an updated technical assistance piece related to HIV discrimination under the ADA. Finally, the Department has launched a new website, www.ada.gov/aids that provides information on DOJ's work related to HIV discrimination, technical assistance on the issue, and examples of enforcement actions DOJ has taken.

3. Challenges

Despite all the civil rights laws guaranteeing equal justice for all, the reality of today's society demonstrates that discrimination still exists. CRT's work is far from complete. The long journey toward equal justice is not over. CRT has reached some remarkable milestones along the way toward this most worthy goal. However, discrimination and bigotry persist. They persist in blatant forms—burned crosses, burned churches, hate-fueled assaults. They also persist in more subtle, yet equally devastating ways in many American communities and institutions. For example, in FY 2011, the FBI documented 6,222 hate crime incidents involving 7,713 victims and 7,254 offenses. Nearly 50 percent of these were motivated by racial bias.

Discrimination persists in the education system—many children still go to schools that are all too frequently substandard. It persists in the foreclosure crises, where communities of color were preyed upon by lenders who used the corrosive power of fine print, and bait and switch tactics—i.e. discrimination with a smile—to transform the American dream into a nightmare. It persists in America's workplaces, where glass ceilings still shatter opportunities for qualified women and minorities. It persists in the voting booth, where poll tests and taxes have been replaced by more subtle tactics that dilute voting strength.

Performance Challenges

The challenges that impede progress toward achievement of CRT's goals are complex and ever changing. Internal agency dynamics, technological developments, and compliance with civil rights statutes are only a few factors that can impact a litigating component's practices and pose challenges that demand attention. The following are challenges that CRT sees as potential obstacles.

External Challenges:

- Hate crimes are violent and intimidating acts motivated by animus based on race, ethnicity, national origin, religious beliefs, gender, gender identity, sexual orientation, or disability. Bias motivated violence remains prevalent across the United States. The Matthew Shepard-James Byrd, Jr. Hate Crimes Prevention Act significantly expanded Federal jurisdiction to investigate and prosecute crimes that have targeted whole communities. This law gives law enforcement authorities the tools they need to effectively investigate, prosecute and deter bias-motivated violence. Since its enactment, the Division has received over 200 new matters that must be investigated and analyzed. Many of these matters, such as hate crimes based on sexual orientation or gender identity, would not have been addressed by CRT before the passage of the Act.

- CRT's human trafficking caseload essentially tripled between FY 2001–FY 2012. These cases are extremely labor-intensive. Strategic partnerships with the United States Attorneys' offices (USAOs) and with 42 anti-trafficking task forces have substantially increased the program's workload. The task forces have begun to produce high volume and complex trafficking cases, often involving multiple districts and requiring significant coordination efforts by CRT's Criminal Section (CRM).
- With the passage of the Emmett Till Unsolved Civil Rights Crime Act, the Division is tasked with addressing complex and resource-intensive cases regarding racially motivated murders from the civil rights era. Thus far, DOJ has determined that 112 unsolved civil rights era homicides merited Federal review. Unfortunately, Federal jurisdiction over these historic cases is quite limited. Prosecution of these cases at the Federal level is quite limited as these statutes cannot be applied retroactively to conduct that was not a crime at the time of the offense. The 5-year statute of limitations on Federal civil rights charges presents another limitation on these prosecutions. Also, as investigations are conducted, in many cases all identified subjects are deceased. In others, a failed prosecution at the time precludes pursuing a prosecution now because of double jeopardy issues.
- The need for strong Federal effort to combat discrimination in lending and foreclosures has increased in recent years with the disproportionate targeting of minorities for sub-prime mortgages and other discriminatory practices. These types of practices are targeted by CRT's Fair Lending Unit in recent lawsuits against three of the nation's largest mortgage lenders alleging steering of qualified minority borrowers to subprime loans and pricing discrimination. The total of the settlements with these lenders exceeded \$531 million dollars in monetary relief. These types of lending fraud and discrimination substantially contributed to the recent financial crisis, in which persons throughout the country were deprived of their homes and their life savings.
- CRT along with the USAOs are at the forefront of enforcing the Freedom of Access to Clinic Entrances Act (FACE) and ensuring that violence aimed at interfering with reproductive health services is aggressively investigated and prosecuted. Although there had been a decline of violent acts against reproductive health care providers in the past several years, several more recent incidents indicate that such violence may be on the rise. In response, the Department is working closely with Federal and local law enforcement partners and provider organizations to share information to both anticipate and prevent this sort of violence and to investigate and prosecute it when it does.
- Employers' increasing use of the Department of Homeland Security's E-Verify program as well as DHS's increasing enforcement related to employers who hire undocumented workers has substantially increased the workload for CRT's Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC). CRT anticipates that higher penalties and enhanced enforcement of employer sanctions by DHS will lead to an increase in discrimination charges filed with OSC against employers who are more hesitant about hiring workers who look or sound "foreign." Similarly, OSC anticipates that the volume of E-Verify related allegations of discrimination will increase as more employers enroll in E-Verify, thereby increasing its overall workload. Moreover, pursuant to CRT's Memorandum of Agreement with U.S. Citizenship and Immigration Services (USCIS), entered into in 2010, OSC has experienced a sharp increase in referrals of E-Verify-related discrimination from DHS, leading to a substantial increase in OSC's overall workload.
- Since DOJ received enforcement authority under the Servicemembers Civil Relief Act (SCRA), CRT has received a considerable number of SCRA referrals from DOD and from servicemembers directly. With many servicemembers returning from active duty, and in light of the publicity surrounding CRT's recent settlements designed to achieve SCRA compliance by national lenders, CRT expects to continue to receive substantial numbers of SCRA complaints. Assumption of this enforcement authority will continue to affect the workload of CRT for the foreseeable future.

- One of the greatest institutional challenges each decade, after the new Census data is released, is the influx of redistricting plans by covered states and local jurisdictions for administrative review by the Department under Section 5 of the Voting Rights Act (VRA). The Department also has been defending a record number of declaratory judgment actions brought by covered jurisdictions seeking judicial preclearance under Section 5 of the VRA for redistricting plans and other complex voting changes. The recent Supreme Court decision in *Northwest Austin* also greatly expanded the number of sub-jurisdictions that are now entitled to file an action seeking bail-out from coverage under the Section 5 preclearance provisions of VRA, and a record number of bailout cases have been filed in recent years by covered jurisdictions, which the Department must investigate and respond to. The Census Bureau published new determinations of coverage for the language minority requirements of the VRA, and the Department is undertaking outreach to the newly covered jurisdictions. In addition, since the 2006 reauthorization of the special provisions of the VRA, there have been more challenges to the constitutionality of Section 5 of the VRA filed than in all the years since 1965, and the Department is responsible for defending these cases.
- CRT faces a continued challenge in meeting the demand for nationwide technical assistance on the Americans with Disabilities Act (ADA) and maintaining its ability to respond quickly to emerging issues, new technology, and an ever changing ADA landscape. The 2010 revised Title II and III regulations and the 2010 Standards for Accessible Design pose a significant challenge for the Technical Assistance and Regulatory Units, not only in terms of developing needed compliance guides and revising the extensive collection of existing technical assistance materials, but also in providing timely, accurate technical assistance to the public as new issues emerge. This continues to be an exceptional undertaking.

Internal Challenges:

- DOJ needs to continue its efforts to attract the “best and brightest” of all talents and should continue its efforts to build and maintain a positive working environment that encourages retention.
- Many of CRT’s responsibilities are not performed by any other Government agency. The loss of numerous senior staff has impacted CRT on many levels particularly in the loss of institutional memory, expertise, and skill, all of which have been integral to our enforcement, training and outreach efforts.
- Training has increasingly become a challenge. While many of our incoming attorneys come to CRT with strong educational backgrounds, they have little or no litigation or substantive experience. The demands of our workload, which include investigations, negotiations, and litigation, require that attorneys broaden their skill sets.

II. Summary of Program Changes

Item Name	Description				Page
		Pos.	FTE	Dollars (\$000)	
Civil Rights Enforcement	Restore and strengthen civil rights enforcement.	50	25	\$5,072	43
Financial and Mortgage Fraud	Hold accountable individuals who perpetrate financial and mortgage fraud, deter future perpetrators of fraud, and recover monies stolen from the U.S. taxpayer.	15	8	\$1,500	46
Police Misconduct Enforcement	To combat abuse, discriminatory policing, and other unconstitutional actions by law enforcement officials.	20	10	\$1,928	48

III. Appropriations Language and Analysis of Appropriations Language

Please refer to the General Legal Activities Consolidated Justifications.

IV. Program Activity Justification

<i>Civil Rights Division</i>	Direct Pos.	Estimate FTE	Amount
2012 Enacted	715	648	\$144,500
2013 Continuing Resolution with 0.612% Increase	715	630	145,384
Base and Technical Adjustments	-1	-1	1,349
2014 Current Services	714	629	146,733
2014 Program Increases	85	43	8,500
2014 Request	799	672	\$155,233
Total Change 2012-2014	84	42	\$ 10,733

<i>Civil Rights Division</i>	Direct Pos.	Estimate FTE	Amount
Information Technology Breakout			
2012 Enacted	7	7	\$3,124
2013 Continuing Resolution with 0.612% Increase	6	6	2,724
Base and Technical Adjustments			0
2014 Current Services	6	6	2,673
2014 Program Increases	0	0	256
2014 Request	6	6	\$2,929
Total Change 2012-2014	-1	-1	-\$ 195

1. Program Description

CRT is a single decision unit within the General Legal Activities appropriation. Within that decision unit, CRT's responsibilities and activities fall into two programmatic areas—criminal enforcement and civil enforcement.

- Criminal cases are investigated and prosecuted differently from civil cases. Stronger and more definitive evidence is needed to obtain a criminal conviction than to win a civil suit. Should the defendant be acquitted, the Government has no right of appeal. A Federal criminal conviction also requires a unanimous decision by 12 jurors (or by a judge only if the defendant chooses not to have a jury).
- Civil cases are usually heard by a judge, but occasionally a jury will decide the case. Both criminal and civil cases can be resolved without a trial where both sides agree and with the concurrence of the judge. In criminal cases, judges must use the Federal Sentencing Guidelines in determining the defendant's punishment; judges in civil suits may or may not adopt remedies as recommended by the Government when it wins.

Criminal Enforcement (113 positions, \$21,323,000)

The Criminal Section (CRM) of the Civil Rights Division prosecutes cases involving the violent interference with liberties and rights defined in the constitution or Federal law. The rights of both citizens and non-citizens are protected. In general, it is the use of force, threats, or intimidation by a law enforcement officer, or by a person motivated by racial bias that characterizes a Federal criminal violation of an individual's civil rights. Cases often involve incidents that are invariably of intense public interest. While some violations may most appropriately be pursued by the Federal Government, others can be addressed by either the Federal Government or by state or local prosecutors. CRM ensures that acts constituting Federal criminal civil rights violations are sufficiently remedied, whether prosecuted federally or by local authorities.

The types of acts that may involve violations of Federal criminal civil rights laws are:

Hate Crimes—violent and intimidating acts motivated by animus based on race, ethnicity, national origin, religious beliefs, gender, gender identity, sexual orientation, or disability.

The Criminal Section prosecutes incidents of bias-motivated violence generally, including those which interfere with federally protected rights and activities, such as the rights to enjoy housing, employment, and public facilities and accommodations free from discrimination based on race or religion.

The September 11, 2001, terrorist attacks brought an increase of incidents of violence, threats and other forms of discrimination against Arabs, Muslims, and south Asians, many of whom are American citizens. The Criminal Section spearheaded the Department's law enforcement response to the nationwide increase in "backlash" threats and attacks against individuals who are or are perceived to be Muslim, Sikh, or of Arab or South Asian origin.

The Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009 created a new Federal criminal prohibition against willfully causing bodily injury (or attempting to do so using fire, a firearm, or another dangerous weapon), when (1) the crime was committed because of the actual or perceived race, color, religion, national origin of any person, or (2) the crime was committed because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability of any person and the crime affected interstate or foreign commerce or occurred within Federal special maritime and territorial jurisdiction. The law also provides for the Office of Justice Programs to administer Federal

funding and technical assistance to state, local, and tribal jurisdictions to help them to more effectively investigate and prosecute hate crimes.

Official Misconduct—intentional acts by law enforcement officials who misuse their positions to unlawfully deprive individuals of constitutional rights, such as the right to be free from excessive force, sexual assaults, illegal arrests and searches, and theft of property. Allegations of official misconduct constitute the majority of all complaints reviewed by the Criminal Section. The officials who have been defendants include state and local police officers, prison superintendents and correctional officer, Federal law enforcement officers, and state and county judges.

Under the Deprivation of Rights under Color of Law provision of Title 18, Section 242, it is a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States. Acts under "color of law" include acts not only done by Federal, State, or local officials within the their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of this statute include police officers, prisons guards and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials. It is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status or national origin of the victim. The offense is punishable by a range of imprisonment up to a life term, or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any.

Human Trafficking—use of force or threats of force or other forms of coercion to compel labor, services, commercial sex acts, from victims. Modern day slavery can involve migrant farm laborers, sweat shop workers, domestic servants, and persons forced into prostitution. Victims may be U.S. citizens or aliens, or adults or children.

The Trafficking Victims Protection Act of 2000 (TVPA), a comprehensive approach to trafficking strengthens existing Federal civil rights laws against involuntary servitude, created new Federal offenses for forced labor and sex trafficking, and increased the penalties for these offenses. The TVPA of 2008 further strengthened these states and added new statutes for human trafficking conspiracies, obstruction of trafficking investigations, and benefitting financially from trafficking. The TVPA of 2008 also clarified that psychological and economic harms, not just uses of force, amount to actionable coercion under the statutes.

The Criminal Section has spearheaded a number of other initiatives to obtain information from the public concerning potential trafficking situations, to train Federal, state and local law enforcement officers regarding human trafficking, and to address the needs of victims. The Section also works with the FBI, the Department of Homeland Security, and other Departments to identify and prosecute complex, international, and organized crime human trafficking cases. The Section has created a specialized Human Trafficking Prosecution Unit that is a global leader in trafficking prosecutions, and its representatives train foreign investigators and prosecutors at the United Nations and across the globe. The Criminal Section oversees a national, toll-free telephone complaint line to enable victims and others to report possible trafficking and worker exploitation abuses. The Criminal Section and other Justice Department components also collaborate with the Departments of State, Health and Human Services, and Labor to develop brochures on trafficking in persons and one that is given to law enforcement to provide to trafficking victims. The Section is instrumental in developing a national human trafficking training curriculum for state and local law enforcement and in drafting model legislation for states to implement their own anti-trafficking laws. Criminal Section attorneys also participate in training and outreach programs both in the United States and overseas to provide expertise and assistance to law enforcement personnel, community groups, victim service providers, immigrants' rights organizations and others to combat human trafficking.

Interference with Access to Reproductive Health Care—violence directed at abortion clinics or health care providers, such as doctors or nurses. The Freedom of Access to Clinic Entrances Act (FACE) prohibits anyone from intentionally injuring, intimidating or interfering (or attempting to do so), by force, threat of force or physical obstruction, with a person who is or has been seeking or providing reproductive health services. The Act also prohibits damaging or destroying property of a facility (or attempting to do so) because the facility provides reproductive health services. Prosecutions brought under the Act have included clinic blockades; phone, mail, and email threat cases; assaults on clinic personnel, including murder; and arson and bombing incidents.

The Section continues its commitment to ensuring the safety of patients and providers at family clinics by vigorously enforcing the FACE. In addition, it continues to lead the Task Force on Violence against Reproductive Health Care Providers, working closely with the FBI, ATF, USMS, U.S. Postal Inspection Service, and attorneys from the Criminal Division to ensure unified, consistent, and responsive Federal involvement when FACE Act violations occur.

Interference with the Exercise of Religious Beliefs and Destruction of Religious Property—violent conduct targeting religious houses of worship, usually involving the arson of churches or synagogues. Section 247 of Title 18 prohibits anyone from intentionally defacing, damaging or destroying religious real property because of the religious nature of the property, so long as the crime is committed in or affects interstate commerce. The statute also prohibits anyone from intentionally obstructing or attempting to obstruct, by force or threat of force, a person in the enjoyment of that person's religious beliefs, where the crime is committed in or affects interstate commerce. Finally, the statute prohibits anyone from intentionally defacing, damaging or destroying any religious real property because of the race, color, or ethnic characteristics of any individual associated with the property, regardless of any connection to interstate or foreign commerce. Section 247 also prohibits attempts to do any of the above. The offense is punishable by a range of imprisonment up to a life term or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any.

Civil Rights Era Unsolved Crimes—unsolved racially motivated crimes that occurred during the Civil Rights, commonly referred to under the umbrella of the Cold Case Initiative. In October 2008, the Emmett Till Unsolved Civil Rights Crime Act of 2007 was signed into law directing CRT to coordinate the investigation and prosecution of civil rights era homicides, and a Supervisory Special Agent in the FBI's Civil Rights Unit to investigate those cases. CRT and the FBI were also given the authority to coordinate their activities with State and local law enforcement officials.

The Department has always been willing to reassess and review cold cases when new evidence came to light, and, as set forth below, played a major role in: successfully prosecuting three such cold cases prior to the Cold Case Initiative. In order to further the Department's mission, in 2006, the FBI began its Cold Case Initiative to identify and investigate the murders committed during our nation's civil rights era.

In addition to prosecuting cases, the Criminal Section actively participates in providing technical assistance and information to the public, law enforcement and other Government agencies regarding the Federal criminal civil rights laws by attending conferences, providing training, and making recommendations for legislation to further the protection of individual rights and liberties.

Civil Enforcement (686 positions, \$133,910,000)

Appellate Section (APP)

APP has primary responsibility for handling civil rights cases in the courts of appeals and, in cooperation with the Solicitor General, in the Supreme Court. APP provides legal counsel to other components of DOJ regarding civil rights law and appellate litigation. Most of APP's appeals are from district court

judgments in cases originally handled by trial sections within CRT. APP handles appeals from both favorable and adverse judgments in cases in which CRT participates.

A significant part of APP's work involves participation as *amicus curiae* (friend of the court) or as intervenor in civil rights cases that have the potential for affecting CRT enforcement responsibilities. In this capacity, APP closely monitors civil rights cases in which the United States is not a party. In many of these cases, especially those concerned with developing or problematic areas of civil rights law, APP uses the Federal Government's authority to file an *amicus curiae* brief to set forth the United States' position. APP also intervenes in a substantial number of cases to defend the constitutionality of Federal civil rights statutes.

Disability Rights Section (DRS)

The ADA in titles I, II, III is intended to achieve equal opportunity for people with disabilities in the United States. The Section's enforcement, certification, regulatory, coordination, and technical assistance activities, required by the ADA, combined with an innovative mediation program and a technical assistance grant program, provide a cost-effective and dynamic approach for carrying out the ADA's mandates.

The Section's responsibilities are somewhat different under each title of the ADA. Under title I (employment), the Section is the only government entity with authority to initiate litigation against state and local government employers. Under titles II (state and local government) and III (private businesses and non-profit social service providers), the Section investigates complaints and conducts compliance reviews. The Section may initiate litigation in title II matters arising from its own investigations or upon referral from other Federal agencies. The Section may also intervene in ongoing title II suits brought by private parties. Under title III, the Section initiates litigation in cases involving private entities (public accommodations, commercial facilities, and certain professional certification and licensing entities) where there is a pattern or practice of discrimination or discrimination involving an issue of general public importance.

The ADA specifically encourages the use of Alternative Dispute Resolution (ADR) methods, including mediation, to resolve disputes arising under the ADA. Since 1994, the Section has promoted the use of ADR by supporting a project to provide mediation services to resolve ADA complaints filed with the Section.

The ADA Technical Assistance Program, which is mandated under section 506 of the ADA, promotes voluntary compliance with the ADA by providing free information and assistance to businesses, state and local governments, people with disabilities, and the general public. Through its technical assistance program, the Section also develops and disseminates ADA publications; provides ADA training at meetings nationwide; and conducts outreach to broad and targeted audiences that have included mayors, local chambers of commerce, and millions of businesses.

The Section also carries out responsibilities under Sections 504 and 508 of the Rehabilitation Act, the Small Business Regulatory Enforcement Fairness Act, and Executive Order 12250.

Educational Opportunities Section (EOS)

In its 1954 landmark decision in *Brown v. Board of Education*, the Supreme Court held that the intentional segregation of students on the basis of race in public schools violates the Fourteenth Amendment to the U. S. Constitution. Subsequent Federal legislation and court decisions also mandate that school officials not discriminate against students on the basis of sex, national origin, language barrier, religion, or disabilities. The EOS enforces these statutes and court decisions in a diverse array of cases involving elementary and secondary schools and institutions of higher education.

Specifically, the Section enforces Title IV of the Civil Rights Act of 1964, Equal Education Opportunities Act of 1964 (EEOA), and Title III of the ADA, as well as other statutes such as Title VI and Title IX of the Civil Rights Act, Section 504 of the Rehabilitation Act, the Individuals with Disabilities Education Act, and Title II of the Americans with Disabilities Act upon referral from other governmental agencies. The Section may intervene in private suits alleging violations of education-related anti-discrimination statutes and the Fourteenth Amendment to the Constitution. The Section also represents the Department of Education in lawsuits.

EOS monitors approximately 195 active school desegregation cases to which it is a party; conducts systematic review of its desegregation case docket to ensure that districts have complied or are working toward complying with court orders and Federal law is active in ensuring that school districts do not discriminate on the basis of religion; and continues to work on behalf of English Language Learner (ELL) students.

Employment Litigation Section (ELS)

ELS enforces the provisions of Title VII of the Civil Rights Act of 1964, and other Federal laws prohibiting employment practices that discriminate on the grounds of race, sex, religion, and national origin. The Section also enforces the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) which guarantees service members a right to reemployment with their civilian employers and prohibits employers from discriminating or retaliating against an employee or applicant for employment because of such person's past, current or future military obligation.

The Section initiates Title VII litigation in two ways. Under Title VII, the Attorney General has authority to bring suit against a state or local government employer where there is reason to believe that a "pattern or practice" of discrimination exists. Generally, these are factually and legally complex cases that seek to alter an employment practice, such as recruitment, hiring, assignment and promotions, which have the purpose or effect of denying employment or promotional opportunities to a class of individuals. Under its "pattern or practice" authority, the Section obtains relief in the form of offers of employment, back pay and other equitable relief for individuals who have been victims of the unlawful employment practices challenged. These cases often are resolved by consent decree prior to trial.

The Section also shares enforcement authority with DOL under Executive Order 11246, which prohibits discrimination by Federal Government contractors and subcontractors based on race, color, national origin, sex and religion. DOL's Office of Federal Contract Compliance Programs (OFCCP) has authority to bring administrative enforcement actions. DOL also may refer such matters to the Division for judicial enforcement in Federal court. The Section works collaboratively with representatives from OFCCP and DOL to obtain referrals under the Executive Order for judicial enforcement.

The Section represents other Federal agencies in suits challenging the application or enforcement of Federal laws that prohibit discrimination or require affirmative action by government contractors or recipients of Federal Financial Assistance (FFA).

Federal Coordination and Compliance Section (FCS)

FCS operates a comprehensive, government-wide program of technical and legal assistance, training, interagency coordination, and regulatory, policy and program review, to ensure that Federal agencies consistently and effectively enforce various landmark civil rights statutes and related Executive Orders that prohibit discrimination in federally assisted programs and in the Federal Government's own programs and activities.

Under Executive Order 12250, the Section has a leadership role in the coordination and review of civil rights enforcement by the 30 Federal agencies that provide FFA to state and local governments, and to community, nonprofit, and other organizations nationwide. In particular, FCS's core mission is to engage these agencies in regulatory, enforcement, policy, outreach, and technical assistance efforts to ensure that programs operated with their funds and other assistance comply with the provisions of Title VI of the Civil Rights Act of 1964; which prohibits discrimination on the basis of sex in federally assisted education and training programs; and similar program statutes which prohibit discrimination on the basis of race, color, national origin, sex, and religion.

FCS's responsibilities also include oversight and coordination of Executive Order 13166, which requires that Federal agencies ensure meaningful access to persons who are limited English proficient (LEP) in federally assisted and federally conducted programs. In addition, FCS has implementation and interagency coordination responsibility with respect to 13160, which prohibits discrimination in the federally conducted education and training programs of 85+ Federal agencies on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, or status as a parent.

Housing and Civil Enforcement Section (HCE)

The Fair Housing Act (FHA) prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, familial status, or disability by housing providers, such as landlords and real estate companies, as well as other entities, such as municipalities, banks or other lending institutions, and homeowners' insurance companies.

Under FHA the Department of Justice may start a lawsuit where it has reason to believe that a person or entity is engaged in a "pattern or practice" of discrimination or where a denial of rights to a group of persons raises an issue of general public importance. Through these lawsuits, the Department can obtain both actual and punitive damages, for persons harmed by a defendant's discriminatory actions as well as injunctions to correct past discriminatory conduct or prevent further discriminatory conduct. The defendant may also be required to pay civil penalties to the United States.

In 1991, CRT established a fair housing testing program within HCE and commenced testing in 1992. Testing refers to the use of individuals who, without any bona fide intent to rent or purchase a home, apartment, or other dwelling, pose as prospective buyers or renters of real estate for the purpose of gathering information, which may indicate whether a housing provider is complying with fair housing laws. The primary focus of the Section's fair housing testing program has been to identify unlawful housing discrimination based on race, national origin, disability, or familial status.

The Section employs various means to accomplish testing in local communities, including contracts with private fair housing organizations, contracts with individuals, and by using non-attorney Department employees throughout the country. The Department employees are volunteers who have been trained to participate as testers. The Section conducts numerous investigations simultaneously at any given time.

The vast majority of testing cases filed are based on testing evidence that involved allegations of agents misrepresenting the availability of rental units or offering different terms and conditions based on race, and/or national origin, and/or familial status and/or disability. The Department has demonstrated that testing can be a valuable tool to investigate housing market practices and to document illegal housing discrimination. The testing program has greatly enhanced the ability of the Department to identify and to challenge the discriminatory housing practices that persist in the rental and sale of housing. The Department also uses the testing program to test for discrimination in lending and public accommodations.

The Multi-Family Housing Access Forum is a nationwide program that brings together developers and building professionals, government officials, and advocates for individuals with disabilities. Its purpose

is to raise awareness about the Federal Fair Housing Act's accessibility requirements and to celebrate partnerships that have successfully produced accessible multi-family housing in which everyone profits—developers and consumers alike.

The Equal Credit Opportunity Act (ECOA) prohibits creditors from discriminating against applicants on the basis of race, color, religion, national origin, sex, marital status, age, or because an applicant receives income from a public assistance program or exercises rights protected under the Consumer Credit Protection Act. The Board of Governors of the Federal Reserve System has issued regulations under ECOA. These regulations, known as Regulation B, provide the substantive and procedural framework for fair lending enforcement under ECOA.

Other Federal agencies have general regulatory authority over certain types of lenders and they monitor creditors for their compliance with ECOA. ECOA requires these agencies to refer matters to the Justice Department when there is reason to believe that a creditor is engaged in a pattern or practice of discrimination which violates ECOA. Each year, the Department files a report with Congress on its activities under the statute.

To enhance fair lending enforcement, CRT has recently created both a Fair Lending Unit within HCE and a Special Counsel for Fair Lending in the Office of the Assistant Attorney General for Civil Rights. The Division is also an active participant in the Attorney General's Financial Fraud Enforcement Task Force.

The land use provisions of the Religious Land Use and Institutionalized Persons Act (RLUIPA) protect individuals, houses of worship, and other religious institutions from discrimination in zoning and landmarking laws. Religious assemblies, especially new, small, or unfamiliar ones, may be illegally discriminated against on the face of zoning codes and also in the highly individualized and discretionary processes of land use regulation. Zoning codes and landmarking laws may illegally exclude religious assemblies in places where they permit theaters, meeting halls, and other places where large groups of people assemble for secular purposes, or they may permit religious assemblies only with individualized permission from the zoning board or landmarking commission, and zoning boards or landmarking commission may use that authority in illegally discriminatory ways.

Title II of the Civil Rights Act of 1964 law prohibits discrimination on the basis of race, color, religion and national origin in places of public accommodation including restaurants, certain clubs and hotels. The Department of Justice can investigate alleged systemic violations of Title II and can bring lawsuits to enforce the statute. The Department can obtain injunctive, but not monetary, relief. Individuals can also bring lawsuits in Federal court to enforce Title II.

The Servicemembers Civil Relief Act (SCRA) provides for the temporary suspension of judicial and administrative proceedings and civil protections in areas such as housing and credit for military personnel while they are on active duty. The Department of Justice can file suit under the SCRA to obtain relief for service members.

Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC)

OSC is responsible for enforcing the anti-discrimination provisions of the Immigration and Nationality Act (INA), which protect U.S. citizens and certain work-authorized individuals from employment discrimination based upon citizenship or immigration status. The INA also protects all individuals, authorized to work, from national origin discrimination, unfair documentary practices relating to the employment eligibility verification process, and from retaliation. OSC also initiates independent investigations based on information developed during individual charge investigations, or leads provided by other government agencies and the general public. Independent investigations normally involve alleged discriminatory policies that potentially affect many employees or applicants. These investigations may result in complaints alleging a pattern or practice of discriminatory activity.

OSC conducts an extensive, nationwide public education campaign to teach workers, employers, and concerned organizations about the anti-discrimination provision of the INA. Additionally, OSC's staff directly participates in many public education and outreach activities. This includes making presentations at conferences, seminars, and meetings held by interested groups regarding employee and employer rights and obligations under INA.

In partnership with the EEOC, OSC has participated in workshops for employers throughout the United States to increase understanding of employer sanctions and protections against discrimination. In an effort to increase accessibility to its services and resources, OSC has signed and/or reinvigorated memoranda of understanding with numerous state and local human rights agencies, where individuals can now obtain information about OSC and file charges of immigration related employment discrimination.

OSC's investigations cover the full gamut of employers, from the nation's largest employers to small businesses with only a few employees. Investigations also included a broad range of industries, including food processing, restaurant and hospitality, retail, information technology, and job referral agencies. OSC's successful resolutions include charges filed by U.S. citizens and work-authorized immigrants who alleged adverse treatment in favor of temporary visa holders or undocumented workers who allege that they were denied hire, or were fired, because of their citizenship or immigration status, or discrimination in the employment eligibility verification process.

Policy and Strategy Section (POL)

POL is responsible for developing and analyzing policy matters relating to CRT's enforcement authority, pursuit of legislative and regulatory priorities, coordination of the Division's responses to requests for comments and technical assistance on legislative matters from the Administration and members of Congress, and development of sustained relationships with other Federal agencies, such as Education, HUD, EEOC, Transportation, and Defense, in furtherance of civil rights issues.

Special Litigation Section (SPL)

SPL enforces the provision of the Religious Exercise of Institutionalized Persons Act (RLUIPA) that protects the religious exercise of persons confined to institutions covered by the Civil Rights of Institutionalized Persons Act (CRIPA). This provision prohibits a state or local government from substantially burdening the religious exercise of such an institutionalized person, unless the government demonstrates that imposition of the burden furthers a compelling governmental interest and is the least restrictive means available to further that interest. The Department of Justice is authorized to investigate alleged violations of RLUIPA and to file civil lawsuits seeking injunctive or declaratory relief. In addition, RLUIPA enables private individuals to seek judicial remedies for violations of the statute.

CRIPA authorizes the Attorney General to conduct investigations and litigation relating to conditions of confinement in state or locally operated institutions (the statute does not cover private facilities). Under the statute, SPL investigates covered facilities to determine whether there is a pattern or practice of violations of residents' Federal rights (the Section is not authorized to represent individuals or to address specific individual cases).

SPL protects the constitutional and Federal statutory rights of persons confined in certain institutions owned or operated by, or on behalf of, state or local governments. These institutions include facilities for individuals who are mentally ill and developmentally disabled, nursing homes, juvenile correctional facilities, and adult jails and prisons. The Section derives its primary authority in this area from the CRIPA, which was enacted in 1980. CRIPA gives the Attorney General the authority to investigate institutional conditions and file lawsuits to remedy a pattern or practice of unlawful conditions. In addition, the Section enforces a provision of the Violent Crime Control and Law Enforcement Act of

1994, which authorizes the Attorney General to file lawsuits to seek judicial remedies when administrators of juvenile justice systems engage in a pattern or practice of violating incarcerated juveniles' Federal rights. The Section is also responsible for enforcing Title III of the Civil Rights Act of 1964, which prohibits discrimination in public facilities on the basis of race, religion, or national origin. As a result of the Department's CRIPA efforts, tens of thousands of institutionalized persons who were living in dire, often life-threatening, conditions now receive adequate care and services.

The Section's institutional work has focused recently on significant problems, such as abuse and neglect in nursing homes and juvenile facilities, sexual victimization of women prisoners, inadequate education in facilities serving children and adolescents, and the unmet mental health needs of inmates and pre-trial detainees. In addition, the Section has been active in enforcing the rights of institutionalized persons with disabilities to receive adequate habilitation and active treatment and to be served in the most integrated setting appropriate to their needs.

Section staff members are involved in a broad array of activities to vindicate the Federal rights of institutionalized persons. These activities range from reviewing complaints and conducting investigations to monitoring and enforcing court orders, litigating large, complex institutional reform cases, and writing amicus briefs on issues of national import. The Section works closely with nationally renowned experts to evaluate institutional conditions by touring the facilities, observing relevant practices and procedures at the facilities, evaluating records, and interviewing residents, staff, and other individuals knowledgeable about the conditions at the institutions. To date, the Section has been successful in resolving the vast majority of CRIPA investigations that have uncovered unlawful conditions by obtaining voluntary correction or a judicially enforceable settlement designed to improve conditions to ensure the provision of appropriate services. If state or local officials fail to correct the deficiencies or to agree to an appropriate settlement, CRIPA authorizes the Attorney General to file suit. The Section has concentrated on obtaining widespread relief, where possible.

The Section is actively involved both with other components of the Justice Department as well as other Federal agencies that regulate, fund, and provide technical assistance to institutions; e.g. Section staff works with the Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, the Bureau of Prisons, the United States Department of Education, and the United States Department of Health and Human Services. In addition, Special Litigation Section attorneys serve on the Department's Health Care Fraud Working Group, the Inter-Agency Nursing Home Consortium, and the Inter-Agency Abuse Prevention Working Group.

SPL enforces the police misconduct provision of the Violent Crime Control and Law Enforcement Act of 1994, which authorizes the Attorney General to seek equitable and declaratory relief to redress a pattern or practice of conduct by law enforcement agencies that violates Federal law. The Section is also responsible for enforcing the Omnibus Crime Control and Safe Streets Act of 1968, which authorizes the Attorney General to initiate civil litigation to remedy a pattern or practice of discrimination based on race, color, national origin, gender, or religion involving services by law enforcement agencies receiving FFA. Section staff investigates police departments by interviewing police officials and witnesses of alleged wrongdoing, reviewing numerous records, and evaluating departmental practices. As with the Section's CRIPA work, the staff works with nationally renowned experts who assist with evaluating investigative material and developing and monitoring remedies to address deficiencies. SPL is an integral part of the Division's Police Misconduct Initiative, along with representatives from various sections in the Division, the Office of Justice Programs, and the FBI. This initiative was created at the Attorney General's request to coordinate Department-wide enforcement efforts to combat police misconduct. The Chief of the Special Litigation Section serves as the Co-Chair for Civil Enforcement of the Initiative.

SPL enforces the civil provisions of the Freedom of Access to Reproductive Health Clinics (Access Act) and Places of Religious Worship. This Act prohibits the use or threat of force and physical obstruction that injures, intimidates, or interferes with a person seeking to obtain or provide reproductive health

services or to exercise the First Amendment right of religious freedom at a place of religious worship. It also prohibits intentional property damage of a facility providing reproductive health services or a place of religious worship. The Access Act authorizes the Attorney General to seek injunctive relief, statutory or compensatory damages, and civil penalties against individuals who engage in conduct that violates the Act. Section attorneys work closely with the offices of the United States Attorneys and State Attorneys General by providing technical assistance and conducting joint Access Act prosecutions. In addition, the Section serves on the Attorney General's National Task Force on Violence against Health Care Providers.

Voting Section (VOT)

The Voting Rights Act of 1965 (VRA) codifies and effectuates the 15th Amendment's permanent guarantee that, throughout the nation, no person shall be denied the right to vote on account of race or color. In addition, the Act contains several special provisions that impose even more stringent requirements in certain jurisdictions throughout the country. Pursuant to the Act, the Voting Section undertakes investigations and litigation throughout the United States and its territories, conducts administrative review of changes in voting practices and procedures in certain jurisdictions, and monitors elections in various parts of the country.

Section 2 of the Act is a nationwide prohibition against voting practices and procedures, including redistricting plans and at-large election systems, poll worker hiring, and voter registration procedures that discriminate on the basis of race, color or membership in a language minority group. It prohibits not only election-related practices and procedures that are intended to be racially discriminatory, but also those that are shown to have a racially discriminatory result. The Attorney General, as well as affected private citizens, may bring lawsuits under Section 2 to obtain court-ordered remedies for violations of Section 2.

Section 4 sets forth the criteria for determining whether a jurisdiction is covered under the special provisions of the Act, including the requirement for review of changes affecting voting under Section 5, whether it may be designated by the Attorney General for Federal observers, and the procedures for terminating such coverage. This section also contains some of the language minority provisions.

Section 5 freezes changes in election practices or procedures in certain states and jurisdictions until the new procedures have been determined, either after administrative review by the United States Attorney General, or after a lawsuit before the United States District Court for the District of Columbia, to have neither discriminatory purpose or effect. If the proposed change has not been shown to be free of the purpose and the effect the Attorney General may block implementation of the change by interposing an objection. The Attorney General has published detailed procedures which explain how to make Section 5 submissions. Notices of Section 5 submissions are regularly posted to the Internet.

Section 3 and Section 8 give the Federal courts and the Attorney General, respectively, authority to certify counties for the assignment of Federal observers. Federal observers are assigned to polling places so they can monitor election-day practices in response to concerns about discrimination in the voting process and to provide information about compliance with bilingual election procedures. Department staff may also be sent to monitor elections.

Sections 203, 4(f)(4) and 4(e) are the language minority provisions of the Act. These provisions require certain jurisdictions to provide bilingual written materials and other assistance to voters with limited English proficiency.

Section 208 of the Act provides for voters requiring assistance to vote by reason of blindness, disability, or inability to read or write to be given assistance by a person of the voter's choice, other than the voter's employer or agent of the employer or officer or agent of the voter's union.

The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) was enacted by Congress in 1986. It requires that the states and territories allow certain groups of citizens, including uniformed servicemembers, their families, and overseas citizens, to register and vote absentee in elections for Federal offices. In addition, most states and territories have their own laws allowing citizens covered by the UOCAVA to register and vote absentee in state and local elections as well. In FY 2010, the Military and Overseas Voter Empowerment Act (MOVE Act) amended UOCAVA to establish new voter registration and absentee ballot procedures which states must follow in Federal elections.

The National Voter Registration Act (NVRA) was enacted in 1993. NVRA facilitates voter registration for Federal elections by allowing voters to register by mail, when they obtain driver's licenses, or when they obtain services from various offices that provide public assistance or serve persons with disabilities. It also helps ensure that eligible voters are added to the voting rolls in a timely manner and are not removed from the voting rolls and that people who move in the same registrar's district retain their eligibility to vote even if they have not re-registered at their new location.

The Help America Vote Act (HAVA) was enacted in 2002. It is designed to improve the administration of elections in the United States by establishing minimum standards for states to follow in several key areas of election administration, including statewide registration databases, provisional balloting, voting system standards, voter information postings and voter identification for first time registrations by mail.

1. Performance and Resource Tables

PERFORMANCE AND RESOURCES TABLE											
CIVIL RIGHTS DIVISION: Strategic Plan, Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law; Objective 2.5: Promote and Protect American's Civil Rights.											
RESOURCES		Target		Actual		Projected		Changes		Requested (Total)	
		FY 2012		FY 2012		FY 2013 CR		Current Services Adjustments and FY 2014 Program Changes		FY 2014 Request	
		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		744	\$144,500 [\$8,838]	677	\$144,487 [\$8,838]	659	\$145,384 [\$10,189]	42	\$9,849 [\$2,532]	701	\$155,233 [\$7,657]
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2012		FY 2012		FY 2013		Current Services Adjustments and FY 2014 Program Changes		FY 2014 Request	
Program Activity	Civil Rights	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		744	\$144,500 [\$8,838]	677	\$144,487 [\$8,838]	659	\$145,384 [\$10,189]	42	\$9,849 [\$2,532]	701	\$155,233 [\$7,657]
Performance Measure	Number of matters/investigations resolved concerning human trafficking*	73		96		75		0		79	
Performance Measure	Number of complaints offered mediation	500		600		500		0		525	
Performance Measure	Number of mediation complaints completed	265		328		207		0		225	
Efficiency Measure	% of matters successfully resolved through mediation	75		75		75		0		75	
Performance Measure	% of criminal cases favorably resolved *	80		94		80		0		80	
Performance Measure	% of civil cases favorably resolved *	80		98		80		0		80	
* The measures are targets in the support of CRT's Performance Goals for the Department.											
Data Definition, Validation, Verification, and Limitations: The data source for all measures is the Civil Rights Division's (CRT) Interactive Case Management System (ICM). The ICM is the official workload system of record for CRT and is used to generate key data for both internal and external inquiries. The ICM captures and reports on the level of effort that attorneys and professionals dedicate to matters and case-related tasks. Senior managers of CRT are responsible for ensuring the accuracy of the data contained in the ICM.											

PERFORMANCE MEASURE TABLE

CIVIL RIGHTS DIVISION

Performance Report and Performance Plan Targets		FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012		FY 2013	FY 2014
		Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Performance Measure	Number of matters/investigations resolved concerning human trafficking *					71	73	96	75	79
Performance Measure	Number of complaints offered mediation	56	568	593	618	660	500	600	500	525
Performance Measure	Number of mediation complaints completed	226	223	211	302	340	265	328	207	225
Efficiency Measure	% of matters successfully resolved through mediation	75	80	79	81	78	75	75	75	75
Performance Measure	% of criminal cases favorably resolved*	95	97	88	89	84	80	94	80	80
Performance Measure	% of civil cases favorably resolved*	99	99	100	95	97	80	98	80	80

*Denotes inclusion in the DOJ Annual Performance Plan

3. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes

Criminal Enforcement (CRM)

Career prosecutors in the Criminal Section of the Civil Rights Division (CRM) continue to achieve remarkable prosecution results, keeping pace with the record-setting levels of productivity and effectiveness demonstrated in recent years. Each year, CRM receives more than 10,000 complaints alleging criminal interference with civil rights. The Criminal Section filed 19% more criminal civil rights prosecutions in the last four fiscal years (FY 2009 - FY 2012), as compared to the previous four years (FY 2005 - FY 2008), without an increase in staff. In FY 2012, the Section exceeded its performance goals to include:

- The Section in conjunction with the United States Attorneys' Offices charged more defendants with criminal civil rights violation than in any prior year since counting began in 1993 (224).
- In FY 2012, the Section charged the second highest number of criminal civil rights cases than in any prior year since counting began in 1993 (122), with the highest year being FY 2010 (129).
- In FY 2012, the Section charged more human trafficking cases than in any prior year (55); charged the highest number of hate crimes defendants since the year 2000 (48), which is equivalent to those charged in 2009; and convicted the most defendants on hate crimes charges in over a decade.

The Section has also dedicated significant resources to combat hate crimes. For example, the Section is actively and effectively implementing the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009. Since the statute was enacted, the Section has prosecuted 40 defendants under the Act and convicted 36 defendants, with one defendant pending trial. The Section also has led and participated in dozens of law enforcement and community trainings across the country aimed at educating local law enforcement officials and identifying hate crimes cases.

The Section is aggressively combating human trafficking and protecting the most vulnerable in our society. The Section spearheaded the creation of the Department's Human Trafficking Enhanced Enforcement Initiative to streamline coordination both within the Department, and among Federal law enforcement agencies. The Department, in collaboration with the Departments of Homeland Security and Labor launched Anti-Trafficking Coordination Teams (ACTeams) in select pilot districts nationwide during FY 2012 to respond to identified human trafficking threats with a coordinated, pro-active, interagency Federal law enforcement strategy aimed at developing high-impact human trafficking investigations and prosecutions.

Finally, the statistics alone do not tell the full story of the Criminal Section's performance in FY 2012. The quality of the prosecutions continues to be extraordinary. The Section's hard working and dedicated staff has successfully prosecuted a number of complex and high profile civil rights cases during this fiscal year.

Color of Law

The Criminal Section maintained a robust docket of color of law cases. Allegations of police abuse and other official misconduct, which comprise the majority of complaints reviewed by CRM, continue to be a high priority. In FY 2012, 59 law enforcement officers, including police officers, deputy sheriffs, and State prison correctional officials, were charged with using their positions to deprive individuals of their constitutional rights, such as the right to be free from unwarranted assaults and illegal arrests and searches.

Of particular note, the Section spearheaded a number of successful high profile prosecutions involving New Orleans Police Department Officers for their role in pre- and post-Katrina misconduct. As a result of these prosecutions, the Section so far has convicted 20 NOPD officers on civil rights and related violations.

- *U.S. v. Bowen et. al (E.D. La)* (The Danziger Bridge Case)
On August 5, 2011, a jury in New Orleans convicted five current and former New Orleans Police Department (NOPD) officers on various charges stemming from a police-involved shooting that left two civilians dead and four others seriously wounded. On April 4, 2012 defendant Kenneth Bowen was sentenced to 40 years in prison; defendant Robert Gisevius was sentenced to 40 years in prison; defendant Robert Faulcon was sentenced to 65 years in prison; defendant Arthur Kaufman was sentenced to six years in prison; and defendant Anthony Villavaso was sentenced to 38 years in prison.
- *U.S. v. Warren, et al. (E.D. La)*
On March 31, 2012, defendant David Warren was sentenced to 25-years and nine months incarceration for shooting and killing a man in the post-Katrina aftermath. Several co-defendants were also convicted and sentenced for related crimes, burning the victim's body in an effort to obstruct the investigation of the shooting.
- *United States v. Thompson* (E.D. Wash.) (Indicted June 19, 2009) The indictment charged that on March 18, 2006, defendant Thompson struck victim Otto Zehm repeatedly with his baton and tased him, resulting in bodily injury. In addition, defendant Thompson made false entries in a record investigated by a federal agency. The defendant was convicted on all counts.
- *United States v. Cates* (E.D. WI). Evidence at trial on January 11, 2011, established that on July 16, 2010, the defendant violated the victim's constitutional rights when he sexually assaulted her in her home during a police investigation. The victim had called 911 to report a crime, and the defendant was the responding officer. The sexual assault was achieved through coercion, intimidation, and force. Defendant Ladmarald Cates was found guilty at trial and sentenced to 24-years incarceration.

Hate Crimes

The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009 strengthened the Department's ability to prosecute hate crimes at the Federal level. The Department continues to make the prevention and prosecution of hate crimes a top civil rights priority. Since passage of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (HCPA or Act), 18 U.S.C. § 249, the Civil Rights Division has brought 16 cases and charged 40 defendants. Of those 40 defendants, 36 have been convicted on hate crimes or serious hate crimes related charges, 1 is awaiting trial, and 1 was dismissed in the interest of justice. The Division has prosecuted cases under the Act in Arkansas, Kentucky, Michigan, Minnesota, Mississippi, New Mexico, New York, Ohio, South Carolina, Texas, and Washington.

Moreover, as part of CRM's hate crime enforcement responsibility, it has spearheaded DOJ's law enforcement response to address post-September 11th "backlash" violence and threats against Arabs, Muslims and South Asians. Federal charges have been brought in 41 cases against 54 defendants, yielding the convictions of 47 defendants.

- *United States v. Dedmon, et al.*, (S.D. Miss.) March 23, 2012, three defendants pleaded guilty in the Southern District of Mississippi to the fatal assault of James Craig Anderson, an African-American man. In December 2012, a fourth defendant pled guilty for his role in the fatal assault and a fifth defendant pled guilty for participating in a number of racially motivated attacks that

preceded the murder of Anderson. The defendants admitted that on numerous occasions leading up to the fatal assault, they, along with other co-conspirators still under investigation, assaulted African Americans with beer bottles, sling shots, and other weapons. In the early morning of June 26, 2011, after having spent the preceding evening talking about committing another assault, several of the co-conspirators drove around West Jackson throwing beer bottles at African-American pedestrians from the windows of moving vehicles. At approximately 5:00 a.m., some of these conspirators spotted the victim in a motel parking lot and decided he would be a good target for an assault. One of the defendants punched the victim in the face, knocking him to the ground. Another defendant punched him multiple times while he was on the ground. After the assault, various conspirators yelled, "White Power!" as they got back into their vehicles. One of the defendants admitted that he deliberately used his truck to run over the victim, causing his death.

- *United States v. Mullet*, (N.D. OH) (Indicted Dec. 20, 2011) On September 20, 2012, following a three-week trial, a jury convicted all 16 defendants of conspiracy and convicted each defendant of one or more substantive violations of 18 U.S.C. § 249. In March 2012, a grand jury in Cleveland returned a 10-count Superseding Indictment in *United States v. Mullet, et al.*, charging 16 members of an Amish settlement in Bergholz, Ohio, with conspiracy and multiple religiously-motivated assaults in violation of 18 U.S.C. § 249. The Superseding Indictment arose from a series of incidents that took place in the Fall of 2012 in which members of the Bergholz settlement forcibly restrained and physically assaulted members of other Ohio Amish communities who had expressed religious disagreements with Samuel Mullet, Sr., the Bishop of the Bergholz Settlement. The defendants aided and abetted each other in forcibly removing the head and beard hair of their Amish victims, an act the defendants themselves referred to as a "religious degrading." In doing so, the defendants willfully caused bodily injury to the victims including cuts, abrasions, bruises, and disfigurement. Evidence developed during the investigation and presented at trial demonstrated that defendant Samuel Mullet, Sr. was at odds with the majority of the Ohio Amish community over practices he encouraged and allowed in his settlement, including acts of self-deprivation, corporal punishment, and sexual abuse, and that the beard-cutting assaults were carried out to avenge the Ohio Amish community's rejection of Samuel Mullet, Sr.'s religious rulings and practices.
- *United States v. Jenkins*, In October 2012, after six days of testimony, the jury convicted two men on kidnapping and conspiracy charges but found them not guilty of the hate crime charge. The men face up to life in prison on the kidnapping and conspiracy charges when they are sentenced in February 2013. In separate pre-indictment pleas, two women in Harlan County, Kentucky pled guilty to aiding and abetting two other defendants in the kidnapping and hate crime assault against Kevin Pennington, a gay man, because of his sexual orientation. One week later, two men were indicted together for their roles in kidnapping and assaulting Mr. Pennington because of his sexual orientation. According to the indictment, the defendants enlisted the two women to trick Pennington into getting into a truck with the defendants, so that the defendants could drive Pennington to a state park and assault him. The defendants then drove Pennington to a secluded area of the Kingdom Come State Park in Kentucky and assaulted him. The indictment marks the first case charged under the HCPA involving sexual orientation.

Human Trafficking

CRM continues to prosecute record numbers of human trafficking cases. Over the last three years, the section has noted an increase in the number of human trafficking cases. In FY 2012, 115 defendants were charged with forced labor or sex trafficking. The Section also spearheaded the creation of the Department's Human Trafficking Enhanced Enforcement Initiative to streamline coordination both within the Department, and among Federal law enforcement agencies. The Department, in collaboration with the Departments of Homeland Security and Labor launched Anti-Trafficking Coordination Teams

(ACTeams) in select pilot districts nationwide during 2011 to respond to identified human trafficking threats with a coordinated, pro-active, interagency Federal law enforcement strategy aimed at developing high-impact human trafficking investigations and prosecutions.

Also in FY 2012 and continuing to the present, the Section has led the U.S./Mexico Human Trafficking Bilateral Enforcement Initiative, which has contributed significantly to restoring the rights and dignity of human trafficking victims through outreach, inter-agency coordination, international collaboration, and capacity-building in both countries. Through this initiative, U.S. and Mexican law enforcement have worked together to identify and prosecute several sex trafficking cases with operations in both countries. This initiative has established enduring partnerships, bringing together law enforcement agencies and non-governmental organizations across international lines. These efforts have already resulted in three cross-border collaborative prosecutions, involving defendants who have been sentenced in Mexico and United States to terms of imprisonment ranging up to 37.5 years, and resulting in the vindication of the rights of dozens of sex trafficking victims.

- *United States v. Campbell, et al.* (N.D. Ill.). (Indicted April 15, 2010). The indictment charged that in or around July 2008, and continuing until on or about January 13, 2010, the defendants did knowingly provide and obtain the labor and services of five people by means of force, threats of force, and a scheme, plan, and pattern to cause serious harm. The women were recruited from Eastern European nations on false promises of legitimate jobs, than were forced to work in various massage parlors in the Chicago, Illinois area through physical beatings, isolation from family and friends, threats of deportation, fraud, extortion, rape, and branding women with multiple tattoos. The primary defendant Alex Campbell was sentenced to life in prison and was ordered to pay approximately \$124,000 restitution.

Cold Case Initiative

CRM continues to expend significant time and resources to meet the Department's mandate under the Emmett Till Unsolved Civil Rights Crime Act of 2007 to assess the viability of prosecuting 112 cold case matters. We have concluded our review of more than half of these matters, and our efforts to identify cases for prosecution continue. We are partnering with the FBI, United States Attorney's Offices, and District Attorney's offices in actively and aggressively investigating those cases in the hopes that justice can be served. CRM prepared the Third Annual Report to Congress Pursuant to the Emmett Till Unsolved Civil Rights Crimes Act of 2007, which was submitted to Congress on November 9, 2012.

Outreach and Training

In FY 2012, CRM conducted 33 outreach and training programs: eight on hate crimes, 11 on human trafficking, and 14 on police practices.

Appellate Section (APP)

During the first two months of FY 2013, the Appellate Section filed 11 briefs and substantive papers in the Courts of Appeals, and the District Courts. The Court of Appeals rendered three merits decisions, all of which were in full or substantial accord with the Section's contentions. The District Courts rendered two merits decisions, both of which were in full or substantial accord with the Section's contentions. Thus, so far in FY 2013, all of the decisions the Section has received have been in accordance with the positions the Section has advocated.

The importance of the Section's civil rights enforcement efforts is demonstrated by the positions taken in the briefs filed. The summaries below of briefs filed so far in FY 2013 demonstrate the widespread effect the Section's cases have on the civil rights of all Americans.

Courts of Appeals

On November 30, the Division filed its brief as appellee in *United States v. Ronald Mitchell*, No. 12-30423 (5th Cir.). Defendant was convicted of violating 18 U.S.C. 1621 and 1512(c)(2) and was sentenced to 20 months' imprisonment. The defendant, a former New Orleans Police officer, was charged with two counts each of perjury and obstruction of justice relating to his deposition testimony in a wrongful death lawsuit arising from his shooting of a civilian in the aftermath of Hurricane Katrina. Mitchell was acquitted of two charges relating to one set of false statements. The Division argued that there is sufficient evidence to prove the falsity and materiality of Mitchell's deposition testimony. The Division also argued that the district court properly concluded that the defendant was not prejudiced by the delayed production of two witnesses' statements and that a trial continuance was not warranted. Finally, the Division argued that the district court did not abuse its discretion in advising jurors to continue deliberating to try to reach a verdict on all counts.

2. On November 16, the Division filed its consolidated reply brief as appellee-cross-appellant in *United States v. McQueen, et al.*, Nos. 12-10840 & 12-10841 (11th Cir.). Defendants McQueen and Dawkins, two former correctional officers, were charged with conspiracy and obstruction of justice after they physically abused inmates at a correctional facility and submitted false reports to cover up their abuse. McQueen was convicted on both counts, and Dawkins was acquitted on the conspiracy count but convicted on the obstruction count. They were sentenced to twelve months' and one month's imprisonment, respectively. Their sentences reflect considerable downward variances granted by the district court to avoid a disparity with the sentence of a co-defendant who pleaded guilty to a misdemeanor after his jury failed to reach a unanimous verdict on a felony charge. Defendants raised numerous issues on appeal, including sufficiency of the evidence, improper jury instructions, improper bolstering of a government witness, and evidentiary errors. The Division responded that none of these issues has merit. In cross-appeal, the Division argued that defendants' sentences are substantively unreasonable because McQueen and Dawkins were not similarly situated with their co-defendant, and therefore there was no requirement to avoid a disparity with his sentence.

District Courts

1. On November 19, the Northern District of Alabama District Court held argument on a motion to dismiss in *Weaver v. Madison City Board of Education, et al.*, No. 5:11-cv-03558. The case is a private suit against a local board of education filed under the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. 4301 *et seq.* The plaintiff contends that the board violated USERRA by reducing his authority, his level of responsibility, and his pay, and by depriving him of certain benefits after he returned from having been deployed as a member of the Army Reserve. The board moved to dismiss the case, arguing that it is an "arm of the State" for Eleventh Amendment purposes and accordingly is immune from a private USERRA suit seeking damages. The Division filed a brief as intervenor, arguing that: (1) the board is not an arm of the State under the relevant constitutional standard; (2) in the alternative, USERRA provides only for state court jurisdiction over private USERRA suits against States and accordingly, if the board is an arm of the State, the case should be dismissed on statutory grounds; and (3) if the court reaches the issue, it should hold that Congress has the authority under its War Powers to authorize private USERRA suits against state employers.

2. On November 13, the Division filed its reply brief on cross-motions for summary judgment in *Texas v. Holder*, No. 12-128 (D.D.C.). In seeking judicial preclearance of SB 14, Texas's recently enacted law requiring in-person voters to present certain photo ID, Texas also claimed that Section 5 of the Voting Rights Act (VRA), as reauthorized and amended in 2006, is unconstitutional. On August 30, 2012, the district court denied Texas's request for judicial preclearance after concluding that Texas had failed to establish that the photo ID law would not "lead to a retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise." Because it denied

preclearance of SB 14, the district court will now reach Texas's constitutional challenge, which includes claims that Section 5 of the VRA – and, in particular, its requirement that covered jurisdictions show a proposed voting change will not have a retrogressive effect – exceeds Congress's power to enforce the Fifteenth Amendment, violates equal protection principles, and is unconstitutionally vague. Texas also claims that Congress's continued imposition of Section 5's preclearance requirement and its retention of Section 4(b)'s coverage criteria are unsupported by the 2006 legislative record. The Division continued to defend the constitutionality of Sections 4(b) and 5 of the VRA, including Section 5's non-retrogression requirement.

3. On November 13, the Division filed a brief as *amicus curiae* and as statutory intervenor in *Gaylor v. Georgia Department of Natural Resources*, No. 2:11-cv-288 (N.D. Ga.). Plaintiff, who uses a wheelchair, alleges that two state parks are inaccessible to him in a variety of ways, violating Section 504 of the Rehabilitation Act and Title II of the ADA. Defendants, who are state agencies and officials, moved to dismiss, arguing that (1) Title II is not constitutional legislation under Section 5 of the Fourteenth Amendment and therefore does not validly abrogate Eleventh Amendment immunity; (2) plaintiff failed to adequately plead a Section 504 violation because he was not specific about which program received federal funding; (3) regulations implementing Title II and Section 504 are invalid and not enforceable in a private suit; and (4) plaintiff may not seek injunctive relief under Title II and Section 504 pursuant to the *Ex Parte Young* doctrine. The Division intervened to defend the statute as to the first point, and filed as *amicus curiae* in support of the plaintiff with respect to the other arguments.

Disability Rights Section (DRS)

In the past 10 years, CRT has achieved results for people with disabilities in over 4,800 Americans with Disabilities Act (ADA) actions including lawsuits, settlement agreements, and successful mediations. Examples of some of the most meritorious accomplishments are described below.

DOJ has signed 201 settlement agreements with 186 communities under its Project Civic Access (PCA) initiative, a wide-ranging effort to ensure that cities, counties, towns, and villages throughout the United States comply with the ADA. In FY 2012, the Section reached new Project Civic Action settlement agreements with Upshur County, TX, Humboldt, KS, Wills Point, TX, Randolph County, GA, Kansas City, MO and Schuylkill County, PA. Through this initiative, both access and opportunity for community participation has been increased for more than 5 million individuals with disabilities in communities large and small throughout the country.

The Department continued its aggressive effort to enforce the Supreme Court's decision in *Olmstead v. L.C.*, a ruling that requires states to eliminate unnecessary segregation of persons with disabilities and to move persons who can live in the community out of segregated facilities. The *Olmstead* decision has often been called the *Brown v. Board of Education* of the disability rights movement. In FY 2012, the Section filed eight Statements of Interest or *amicus* briefs related to *Olmstead* enforcement (California (3), Oregon (2), Florida, and in the District of Columbia and North Carolina) and comments in support of final approval of a settlement agreement in California. Following an investigation of the State of Florida, the Section issued a Letter of Findings notifying the State that it violates the ADA by unnecessarily segregating children with disabilities in private nursing facilities, when those children could be served in more integrated, community-based settings. Following another investigation, the Section issued a Letter of Findings concluding that the State of Oregon is violating title II of the ADA by unnecessarily segregating individuals with intellectual and developmental disabilities in sheltered workshops when those individuals can and want to work in a more integrated supported employment setting. Finally, in August 2012, the Section entered into a comprehensive, eight-year settlement agreement with the State of North Carolina that will provide community-based supported housing to 3,000 individuals unnecessarily segregated, or at risk of entry into, large institutional settings known as adult care homes and also will provide thousands of people with mental illness access to critical community-based mental health services

including Assertive Community Treatment (ACT) teams, crisis services and supported employment services.

In FY 2012, the Section entered into 21 Settlement Agreements and Letters of Resolution with bus companies in California, Illinois, Texas and Florida regarding compliance with Title III of the ADA, based on compliance reviews and referrals from the Federal Motor Carrier Safety Administration (FMCSA) of the U.S. Department of Transportation (DOT). The agreements require that each of these companies comply with all applicable requirements of accessible service and operations and not exclude persons with disabilities from their public transportation services. These agreements reflect the successful ongoing coordination between DOT and the Department.

In October 2011 and May, 2012, the Section filed Statements of Interest in *National Association for the Deaf v. Netflix, Inc.* (D. Mass.), a private Title III action challenging Netflix's failure to provide captioning for many of its "Watch Instantly" Internet-based streamed videos, as well to ensure equal access to other Netflix member services (such as Netflix "recommendations" and genre-sorted movie listings). The Court relied on our briefs when it issued an unprecedented ruling that the ADA applies to services provided exclusively over the internet.

On March 19, 2012, the Department entered into a settlement agreement with the Mountain Valley (PA) Midget Football League, resolving a complaint filed by the mother of a seven-year-old boy with ocular albinism, a condition that results in little or no pigment in the eyes and often causes extreme sensitivity to sunlight. The complaint alleged that the league refused to allow the child to play football with a helmet fitted with a tinted visor to help block the sunlight. The Department determined that the league violated the ADA by failing to modify its policies, practices and procedures to allow the boy to use a tinted visor while playing football. The agreement requires the league to develop and implement a disability rights policy, to train league officials on the ADA and to grant requests for reasonable modifications, including the one at issue in this complaint. The league agreed to pay \$1,000 to the complainant's family.

On March 30, 2012, the Department filed a motion to intervene and complaint in intervention in *Fox v. Trinity Regional Medical Center* (N.D. Iowa), a private title III action alleging that Trinity Regional Medical Center failed to provide auxiliary aids and services to deaf patients and companions. The parties entered into a settlement that requires Trinity Regional Medical Center to train its employees on the requirements of title III, change its policies and procedures to improve the provision of auxiliary aids and services, and pay \$198,000 to aggrieved individuals and a \$20,000 civil penalty.

On August 7, 2012, the Division simultaneously filed a complaint and consent decree in the U.S. District Court for the District of Maryland against Baltimore County. The complaint alleged that the County had engaged in discriminatory employment practices in violation of the ADA by (1) requiring employees to submit to medical examinations and disability-related inquiries that are not job-related and consistent with business necessity, (2) automatically disqualifying applicants with Type 1 diabetes for Emergency Medical Technician (EMT) jobs without showing that this policy and practice is job-related and consistent with business necessity, and (3) engaging in retaliatory actions against at least one employee. As a result of the County's discriminatory policies and practices, employees, including veteran police officers, firefighters, and EMTs who were qualified and able to work, were denied employment and were forced into career-ending, involuntary retirement. The decree required the County to pay \$475,000 to the complainants and provide additional work-related benefits (including retirement benefits and back pay, plus interest); adopt new policies and procedures regarding the administration of medical examinations and inquiries; refrain from using the services of the medical examiner who conducted the overbroad medical examinations in question; cease the automatic exclusion of job applicants who have insulin-dependent diabetes mellitus; and provide training on the ADA to all current supervisory employees and all employees who participate in making personnel decisions.

On August 29, 2012, the Section and the National Federation of the Blind entered into a settlement agreement with the Sacramento Public Library to resolve a complaint that the Library's use of Barnes & Noble NOOK e-readers in its e-reader lending program discriminated against patrons who are blind or have other vision disabilities. Under the terms of the settlement, the Library will not acquire any additional e-readers that exclude persons who are blind or others with disabilities that need accessible features such as text-to-speech functions or the ability to access menus through audio or tactile options.

On September 5, 2012, the Department filed a motion to intervene and proposed complaint in intervention in *Department of Fair Employment and Housing v. LSAC, Inc.*, a class action lawsuit against the Law School Admission Council. (Shortly after the end of FY 12, the district court granted The Section's intervention motion.) The Section's complaint alleges that LSAC violates the Americans with Disabilities Act in its handling of requests by people with disabilities for testing accommodations on the LSAT, and that LSAC unnecessarily "flags" test scores obtained with certain testing accommodations in a manner that identifies the test taker as a person with a disability. The Section had previously filed a Statement of Interest in opposition to LSAC's motion to dismiss, and that statement was cited favorably throughout the Court's opinion denying the motion to dismiss.

The Section continues aggressively enforce the ADA to combat discrimination against people with HIV. On September 12, 2012, the Section reached a settlement with the Milton Hershey School resolving a complaint and private lawsuit filed by a 13-year-old boy with HIV who alleged that he was denied enrollment in the private school based on his HIV. The settlement requires the School to change its policies to admit applicants with HIV, provide ADA training to its employees, and pay \$700,000 in compensatory damages and a \$15,000 civil penalty. In addition, the Section in May 2012 reached two settlements resolving claims that health care providers refused to serve people with HIV in violation of the ADA. Both settlement agreements require the entities involved to develop and implement a non-discrimination policy; to train staff on the requirements of the ADA; and to pay a combined total of \$60,000 to the complainants and \$35,000 as a civil penalty.

The Section has built an impressive mediation program to assist with the disposition of the thousands of complaints received each year. In FY 2012, the ADA Mediation Program referred 414 matters, completed 340 matters, and successfully resolved 74% of these cases. The overall success rate since the inception of the program is 78%.

In addition, DOJ's ADA Technical Assistance Program carries out a wide variety of activities to promote voluntary compliance with the ADA, providing free information and technical assistance directly to businesses, State and local governments, people with disabilities, and the general public. The demand for complex technical assistance continues to increase in response to the implementation of the revised Title II and Title III regulations and the 2010 Standards for Accessible Design. FY 2012 highlights include:

- Answering 60,000 calls to the ADA Information Line were answered by ADA Specialists who assisted callers in applying the ADA to their own unique situations. This is the highest number of calls answered since the inception of the ADA Information Line in 1993.
- The ADA Website, www.ada.gov, was visited more than 8.5 million times and more than 10 million pages were viewed. The ADA Home Page was the Department's third most visited web destination, with more than 1.95 million visits.
- DRS is actively working on an update and redesign of the entire ADA Website, which includes over 5,000 pages, to increase ease of use and access to the wide variety of technical assistance materials and legal documents available to the public and anticipates an early FY 2013 rollout.
- Creating new technical assistance materials explaining the revised title II and III regulations and 2010 Standards for Accessible Design (2010 Standards). In FY 2012, we published three

technical assistance documents: *Questions and Answers: Accessibility Requirements for Existing Swimming Pools at Hotels and Other Public Accommodation*; *Updated Document – ADA Requirements: Accessible Pools*; and *Questions and Answers: The Americans with Disabilities Act and Persons with HIV/AIDS*.

- Providing outreach by participating in speaking and outreach events. In FY 2012, the Section presented 52 speeches, workshops, and training sessions to an audience of more than 7,500. This includes two webinars conducted by the Section (May 2 and May 9, 2012) on the revised regulations for title II and title III entities as applied to existing swimming pools. DRS also staffed its ADA exhibit booth at six national conferences, answering questions and disseminating information about the ADA to thousands of individuals across the United States and reaching an estimated audience of more than 24,000 individuals across the country.

Following the publication of four Advanced Notice of Proposed Rulemaking (ANPRM's) in July 2010 (movie captioning and video description, next generation 9-1-1, accessible web information and services, and accessible equipment and furniture), and the September 2010 publication of the revised regulations for Titles II and III of the ADA, the Section's regulatory and coordination work continued. FY 2012 highlights include:

- Issued two final rules in March and May 2012 extending the compliance dates for title II and title III entities regarding the provision of accessible means of entry to existing swimming pools and spas, to provide sufficient time for pool owners and operators to better understand their obligations and comply with the revised ADA requirements. (The May final rule extended the compliance date to January 31, 2013.) The Department also announced that, as a matter of prosecutorial discretion, it would not pursue enforcement against covered entities that purchased non-fixed, but otherwise ADA-compliant pool lifts prior to March 15, 2012, so long as the lift was in position for use at the pool and operational during all times that the pool was open to guests.
- Analyzed the results of the 2011 survey of the Federal Government's implementation of section 508 and prepared the draft of the Department's report to the President and Congress issued in September 2012 on the accessibility of the Federal Government's electronic and information technology. The Department issued recommendations to increase federal agency compliance and is now considering approaches to achieve the report recommendations.
- Continued its work on additional proposed ADA rules related to movie captioning and video description; the accessibility of web information and services of State and local governments; the accessibility of medical equipment and furniture; the accessibility of hotel beds in places of lodging; and the accessibility of next generation 9-1-1 emergency services.
- Worked to incorporate changes required by the ADA Amendments Act of 2008 (ADAAA) into the ADA implementing regulations for titles II and III, as well as section 504 implementing regulations for the Department's federally conducted and federally assisted programs.
- The Section continued to play a vital role on an interagency team headed by U.S. Department of State staff tasked with preparing the ratification package for the United Nations Convention on the Rights of Persons with Disabilities (treaty) that the President sent to the Senate in May 2012. The Section also assisted with witness preparation and testimony coordination between DOJ and the Department of State in advance of a Senate Foreign Relations Committee hearing on the treaty.

- Processed 366 pieces of “controlled correspondence” from Congressional offices, the White House, and the Attorney General’s office; more than twice the volume received in FY 2011.

In FY 2013 and FY 2014, CRT will continue its innovative and multi-faceted approach toward achieving compliance with the ADA. Activities will include:

- Continuing to draft new technical assistance materials explaining the Department’s revised regulations and 2010 Standards and revising more than 40 existing technical assistance documents to ensure consistency with the new regulation;
- Continuing to conduct outreach and training to groups affected by the revised regulations, including small businesses, State and local governments, individuals with disabilities, and professional and trade associations;
- Drafting a proposed NPRM to revise the ADA Title II and Title III regulations to incorporate changes required by the ADA Amendments Act of 2008 and two NPRMs regarding (1) accessible hotel beds and (2) Next Generation 9-1-1 Services. This includes evaluating the cost impact of the revisions for each NPRM;
- Drafting a proposed ANPRM on medical equipment and furniture;
- Continuing its successful PCA initiative, including training local communities to conduct their own accessibility surveys, to ensure that cities, counties, towns, and villages throughout the United States comply with the ADA;
- Ensuring that new facilities are constructed in compliance with the 2010 Standards and that covered entities meet all applicable accessibility obligations;
- Providing free information and technical assistance directly to businesses, State and local governments, people with disabilities, and the general public;
- Training mediators on the requirements of the revised regulations and 2010 Standards; and
- Offering more complainants and respondents the opportunity to resolve complaints through participation in mediation.

Employment Litigation Section (ELS)

In FY 2012, ELS filed 11 suits alleging discrimination against an individual pursuant to Section 706 of Title VII, three suits alleging a pattern or practice of discrimination against a group of individuals pursuant to Section 707 of Title VII, and one, 706/707 suit where ELS intervened as a plaintiff. In addition, ELS is litigating three defensive cases regarding challenges to DOT’s Disadvantaged Business Enterprises (DBE) program. In FY 2012, ELS obtained 18 consent decrees, 4 settlement agreements; 11 out-of-court settlements; and initiated 40 investigations (36 under § 706; 4 under § 707). ELS received a total of 112 USERRA referrals from the Department of Labor for litigation consideration, 41 of which included a finding of “merit,” and ELS has filed nine Uniformed Services Employment & Reemployment Rights (USERRA) lawsuits. ELS also monitors consent decree compliance in numerous Title VII, § 707 suits.

On April 23, 2012, ELS filed *United States v. City of Jacksonville*, alleging that the examinations used by the City to promote firefighters to four supervisory positions have an adverse impact against African Americans and are not lawful under Title VII. While ELS is in settlement negotiations, discovery in the

litigation is moving forward. ELS is finalizing the Section's expert report on adverse impact and will be working with the Section's statistical expert and validity expert for the next stage of discovery.

On June 26, 2012, ELS intervened as a plaintiff in *Hawkins, et al. v. Summit County, Ohio*, alleging that the County has engaged in a pattern or practice of discrimination against women through its implementation of a sex segregated assignment system in violation of Title VII. The case is in active discovery.

On July 3, 2012, ELS filed suit against the City of Corpus Christi, Texas, alleging that the physical examination used by the City to select entry-level police officers has a disparate impact on women and is not lawful under Title VII. ELS has filed the proposed consent decree; the front-end fairness hearing is scheduled for early January. If the Court approves the consent decree, ELS will move forward onto relief determinations.

As noted above, ELS is defending three cases that challenge federal disadvantaged business enterprise programs. All three cases have summary judgment deadlines in 2013, and in all three cases the Section will be filing expert reports.

Finally, ELS continues to engage in substantial "Stage 2" activities in *United States v. New Jersey Civil Service Commission, et al.*, *United v. Commonwealth of Massachusetts, et al.*, and *United States v. City of New York (FDNY)*. In all three pattern or practice cases involving allegations of testing discrimination, the United States will be administering claims procedures involving screening thousands of candidates to determine eligibility for remedial relief and priority hiring or promotions. In *FDNY*, the Court's current orders require individual discovery and/or hearings for approximately 1,400 candidates who are eligible for relief. In addition, ELS is obligated by the Court orders in these cases to work with the defendants on the process of developing and implementing new, lawful selection procedures, which requires the engagement of experts in the fields of disparate impact and validity.

During FY 2013 and FY 2014, ELS will increase the overall level of its Title VII and USERRA enforcement activity. ELS will increase, in particular, the number of its § 707 investigations and suits and enhance its *amicus curiae* practice. Further, ELS will continue to maintain a productive working relationship with the EEOC to increase the quality of the EEOC's investigation of the charges the EEOC refers to us pursuant to § 706. Lastly, ELS will increase its outreach efforts to Title VII stakeholder organizations.

Education Opportunities Section (EOS)

EOS addresses discrimination and harassment in public schools and universities. Between October 1, 2011 and November 30, 2012, EOS negotiated a total of ten consent decrees and nine out-of-court settlement agreements, obtained litigated relief in five desegregation cases, secured one modification to a school desegregation plan, and opened 24 investigations regarding alleged discrimination on the basis of race, national origin, sex, disability, and language services.

In the race and national origin context, EOS monitors approximately 195 active school desegregation cases to which it is a party, and has negotiated eight court-ordered consent decrees to date. In one case, the court approved an order that modifies and extends a 2008 consent decree, which required the district to desegregate the faculty and staff at a number of its schools. In a second case, the court approved a modified consent decree governing student transfers. In a third, the court approved a consent decree governing student assignment to schools and classes, and in fourth, the court approved a consent decree requiring zone line changes, controlled choice, and a magnet school to desegregate the schools. EOS also obtained litigated relief in five desegregation cases and a plan modification in another desegregation case. In one case, the court granted the United States' motion for further relief and ordered the district to devise a new student assignment plan. In another case, EOS opposed the district's motion for unitary status in

the area of faculty and staff assignment, and the court ruled in EOS's favor, finding the district had not properly implemented or monitored the agreed upon plan for hiring, recruitment, and placement and that additional court supervision was needed in this area. EOS also negotiated four out-of-court settlements to combat race and national origin discrimination: One to address student harassment on the basis of race at a public university, another to address race-based student harassment in a high school; a letter agreement to address racial disparities in discipline, special education, and gifted programs, and a fourth to stop practices that deny immigrant students access to public schools. As a result of these efforts, desegregated opportunities were provided to students, including the elimination of racially identifiable schools; redrawing attendance lines; prohibiting segregative transfers; furthering faculty and staff desegregation; and expanding magnet opportunities. EOS continues to work with school districts to achieve unitary status and has opened 17 race and national origin discrimination investigations thus far, one of which eliminated a district's race-based homecoming activities.

During the past 14-month period, to ensure equal educational opportunities for English Language Learners (ELL) and as part of a nationwide effort, EOS initiated four new investigations and is actively pursuing 13 ongoing investigations with states and school districts. These districts have significant or new ELL populations, and both district- and state-level investigations have involved substantial Native American populations. The purpose of the investigations is to ensure that ELL students are receiving appropriate language acquisition services to enable them to overcome language barriers that impede equal participation in the school districts educational programs. In FY 2012, EOS negotiated four out-of-court settlement agreements addressing, among other things, the registering and identification of ELLs; exiting ELLs; ensuring timely services for ELLs; ensuring adequate and appropriate ELL services; providing translation services for parents and guardians; providing training for ELL teachers; providing appropriate materials for ELL classes; ensuring that special education students were not denied appropriate ELL services; and monitoring current and exited ELLs. EOS also has continued to work with a state education agency and board of education to ensure that the state's changes to teacher and administrator licensing regulations provide qualified educators for ELL students under the Equal Educational Opportunities Act (EEOA). In response to EOS's work, the state board passed regulations on June 26, 2012, requiring core academic teachers and administrators of ELLs to obtain a Sheltered English Immersion endorsement. In July 2012, EOS negotiated an amended out-of-court agreement with a school district which strengthens certain requirements and requires relief for another school year. EOS continues to monitor compliance with three consent decrees and is actively monitoring thirteen out-of-court agreements that impact ELL students and their parents.

Between October 1, 2011 and November 30, 2012, to protect and address sex discrimination of students in schools, EOS opened five investigations and negotiated two consent decrees. One of the investigations involves examining how a public university has responded to allegations of sexual assault and harassment. Both consent decrees require the public school districts to modify their policies, engage in systemic training, and provide other relief to address allegations of sex-based student harassment.

With respect to legislation and policy, EOS has spent considerable time commenting on proposed changes to the Elementary and Secondary Education Act, as well as other education-related statutes (e.g., the Student Non-Discrimination Act) and rules (e.g., the Family Educational Rights and Privacy Act (FERPA) final rule). EOS also consulted with the Office for Civil Rights (OCR) at the Department of Education regarding its new guidance regarding the use of restraints and seclusion. EOS also is collaborating with OCR regarding the drafting of other education-related guidance anticipated for release in this fiscal year. In June 2012, EOS helped prepare a Title IX 40th Anniversary Report, webpage, and fact sheet – all highlighting the Division's work under Title IX and other Federal civil rights laws that prohibit sex discrimination in education and the workplace.

In FY 2013 and FY 2014, EOS will continue to vigorously enforce Title IV, through both continued enforcement of its 195 desegregation matters and through new investigations. EOS plans to initiate, through outreach, additional Title IV investigations and compliance reviews under Title IV and IX in the

areas of race, national origin, religion, and sex. Particularly, EOS plans to further examine: School discipline as it affects students of color and students with disabilities; discrimination and the denial of access to educational services for Native American students; the harassment of students on the basis of race, national origin, sex, religion, and disability; allegations involving more than one of these factors; and conduct that denies national origin minority students access to school in contravention of Title IV and *Plyler v. Doe*. EOS plans to initiate new EEOA investigations at both the district and state level and to secure broad-impact relief at the state level where possible. EOS will catalyze efforts to address discrimination against students with disabilities under Title II of the ADA.

Additionally, EOS plans to continue through *amicus* and intervention to ensure that the appropriate legal standards are applied under Title IV, the EEOA and Title II of the ADA, as well as laws enforced by the Section through referrals, including Title VI, Title IX, and Section 504 of the Rehabilitation Act.

Federal Coordination and Compliance Section (FCS)

FCS continues its robust coordination and oversight responsibilities under Executive Order (EO) 12250, providing on-going training and technical assistance to Federal agency civil rights offices. FCS provides in-depth Title VI technical assistance on various issues to the Departments of Agriculture, Homeland Security, and Transportation, and the Environment Protection Agency, work that will continue and expand to other agencies throughout FY 2014.

In FY 2012, FCS planned and launched an Interagency Working Group (IWG) on Title VI, bringing together Federal departments and agencies that provide Federal Financial Assistance (FFA). Through FY 2014, the Working Group will continue to examine Title VI enforcement. FCS is engaged in an interagency review of issues attendant to benefits verification procedures, assessing compliance with Title VI. FCS also leads the Environmental Justice (EJ) Interagency Working Group's Title VI Committee, which is establishing an EJ/Title VI page on the IWG's website to facilitate improved coordination between agencies' environmental justice and civil rights offices.

FCS provides significant training and technical assistance on Title VI and Executive Order 13166, which requires Federal agencies to ensure that their recipients provide limited English proficient (LEP) individuals with meaningful access to their services, programs, and activities. In this regard, the Section provides guidance, training, and oversight to agencies and stakeholder communities. On a regular basis, FCS responds to agency inquiries on Titles VI & IX and LEP obligations. These are core functions of the Section and will continue through FY 2014. In addition, FCS is revising the Title VI Legal Manual, which has not been updated since 2001. The Manual provides an overview of legal issues attendant to the scope and enforcement of Title VI.

DOJ is a major provider of FFA. Under agreements reached with certain DOJ funding components, FCS conducts administrative investigations of selected discrimination complaints against and compliance reviews of their recipients. DOJ recipients include state and local law enforcement agencies, courts, corrections systems, juvenile justice systems, and a variety of non-governmental entities. One of FCS's major investigations of a sheriff's department has led to a Title VI civil action seeking a judicial determination of noncompliance against the sheriff's office. A second major investigation of a sheriff's office remains ongoing. FCS is also investigating how a state prosecutor's office provides its services to various LEP communities. Although that investigation is ongoing, the state office has already implemented significant improvements.

The FCS Courts Initiative continues, working to ensure that LEP individuals receive meaningful access to court services. FCS conducts systemic investigations of state courts for failure to provide interpretation and translation assistance in domestic violence, child custody, criminal, and other matters. FCS issued the first Title VI violation letter of finding in such a matter, has reached formal agreement in two states, and is moving toward resolution in two other investigations. Meanwhile, FCS has investigations ongoing

in several other states and continues to receive interpretation and translation complaints. FCS provides guidance, training (in-person and webinar), and technical assistance to promote the provision of language access in courts consistent with Title VI and regulations, participated in the development of the American Bar Association (ABA) Standards on language access to courts, and harnesses partnerships including United States Attorney's Office (USAO), Access to Justice Initiative (ATJ), Office of Violence Against Women (OVW), and Office of Justice Programs (OJP), to leverage Departmental expertise and resources to improve access to justice for LEP individuals. FCS also engages frequently with the Conference of Chief Justices, the Conference of State Court Administrators, the National Center for State Courts, and the National Council of Family and Juvenile Court Judges, and is pursuing potential additional policy options. This work will continue through FY 2014.

FCS continues to staff language access initiatives. The Attorney General signed the Department's language access plan during FY 2012 and the CRT Assistant Attorney General (AAG) issued the Division's plan shortly thereafter. Continuing through FY 2014, FCS will provide training and train-the-trainer programs for both Division and component staff and will work with the components on review and monitoring mechanisms to ensure that LEP individuals have meaningful access to Departmental programs and services.

FCS also has an active LEP outreach program through which it maintains regular contact with affected communities concerning LEP issues. As part of this important effort, FCS staff provides LEP training for community groups, as well as to various recipient organizations and other Federal agencies. The Federal Interagency Working Group (IWG) on LEP, which functions under FCS leadership, has active members from more than 35 Federal agencies. FCS maintains the LEP.gov website, which contains extensive information about LEP issues and assists Federal agencies, recipients, and the community in the quest for meaningful language access.

During FY 2013, FCS's workload included increases in incoming correspondence, requests for legal opinions, requests for intensive technical assistance and training from Federal agencies, and requests to address numerous legally challenging issues. The Division expects this trend to continue through FY 2014. FCS's work will be tailored to increase its effectiveness by: (1) targeting substantive areas and agencies where FCS can be most effective through providing technical assistance, training, policy guidance, and oversight; and (2) engaging in activities that will benefit multiple agencies and their beneficiaries at the same time, such as coordination of more complex investigations involving multiple agencies and cross-cutting barriers. FCS's language access initiative will focus on: (1) improving DOJ's compliance with the language access requirements of EO 13166; (2) bringing the nation's court systems into compliance with Title VI language access requirements; and (3) improving language access in other Federal agencies and recipients of FFA.

Housing and Civil Enforcement Section (HCE)

HCE has reinvigorated enforcement in key areas such as fair lending, the rights of service members and exclusionary zoning. The Section has brought numerous lawsuits in these critical areas and obtained many significant, path-breaking settlements. As of November 30, 2012, the Section had 15 pattern or practice cases in pre-suit negotiations, and obtained settlements totaling well over \$500 million in monetary relief, nearly double the total of all prior years since 1989.

Recent highlights of the Section's fair housing litigation efforts include:

- Filing and resolving *United States v. Sussex Co., Delaware*, alleging that the County blocked an affordable housing development based on race and national origin stereotypes of prospective residents;

- Conducting the trial of *City v. HUD, et. al.*, where our defense of HUD includes a challenge to the City's actions to condemn and take by eminent domain a HUD-funded affordable housing complex as violating the Fair Housing Act (FHA);
- Filing and litigating *United States v. St. Bernard Parish*, alleging that the Parish engaged in a multi-year campaign to limit rental housing opportunities for African-Americans through exclusionary zoning practices in the aftermath of Hurricane Katrina; and
- Filing *United States v. New Orleans* and *United States v. San Jacinto*, two lawsuits alleging discrimination by municipalities based on disability.

Significant fair housing settlements to date include:

- Two sexual harassment consent decrees for more than \$2 million in total monetary relief, the largest recoveries ever in FHA sexual harassment suits brought by the United States, *United States v. Sorenson* (Sept. 2012) and *United States v. Barnason* (May 2012);
- A design and construct decree providing for a \$10.25 million accessibility fund and a \$250,000 civil penalty, the largest ever recovery by the United States in a disability-based housing discrimination case, *United States v. JPI* (July 2012);
- A sexual harassment consent decree providing for \$2.058 million in total monetary relief, the largest recovery ever in a sexual harassment suit brought by the United States under the Fair Housing Act, *United States v. Barnason* (May 2012); and
- A consent decree providing for \$585,000 in monetary relief going to 70 victims in the United States' first case involving discrimination by a mortgage insurer against women on maternity leave, *United States v. Mortgage Guaranty Insurance Corp.* (April 2012).

The Section's new Fair Lending Unit continues to expand collaborative enforcement efforts, including the Department's three largest fair lending cases ever:

- *United States v. Wells Fargo Bank, N.A.*, alleging that between 2004 and 2009, Wells Fargo engaged in a nationwide pattern or practice of discrimination in its residential lending activities, in violation of both the FHA and the ECOA. The consent order includes the establishment of a \$125 million settlement fund to compensate wholesale victims of Wells Fargo's discrimination, review of retail loans and compensation for retail borrowers steered to subprime loans, and a \$50 million investment by the bank in a homebuyer assistance program in selected metropolitan areas. (July 2012).
- In *United States v. Countrywide Financial Corporation*, the complaint alleges that between 2004 and 2008 Countrywide and its subsidiaries engaged in a widespread pattern or practice of discrimination against more than 200,000 qualified African-American and Hispanic borrowers in their mortgage lending from 2004 through 2008. The consent order requires Countrywide to create a \$335 million settlement fund to compensate victims of discrimination. This is the largest residential fair lending settlement in history. (December 2011).
- In *United States v. SunTrust Mortgage, Inc.*, the complaint alleged that SunTrust engaged in a pattern or practice of mortgage pricing discrimination against at least 20,000 African-American and Hispanic borrowers. The consent decree creates a \$21 million settlement fund and requires the company to maintain its revised mortgage loan pricing policies. (Sept. 2012).
- *United States v. Luther Burbank Savings*, providing for \$2 million in total relief to remedy discrimination caused by \$400,000 minimum mortgage loan amount policy. (October 2012)
- *United States v. Bank of America*, a case alleging discrimination based on disability and source of income in mortgage lending, with settlement requiring the bank to revise policies and compensate victims, (Sept. 2012).
- *United States v. GFI Mortgage Bankers, Inc.*, alleging that GFI discriminated against African-American and Hispanic borrowers in the pricing of home mortgage loans. The consent decree provides for \$3.5 million in monetary compensation. (Aug. 2012).

The Section obtained eight settlements in significant matters under the Service Members Civil Relief Act (SCRA) in FY 2012. A variety of other SCRA matters are ongoing:

- The consent order in *United States v. Capital One*, requires the financial institution to pay an estimated \$12 million to compensate service members for violations of several SCRA provisions. (July 2012).
- Consent orders in *United States v. Bank of America Corp., Citibank, NA, JPMorgan Chase & Co., Ally Financial, Inc, Wells Fargo & Co., et al.* require independent reviews to determine if service members were foreclosed on either judicially or non-judicially in violation of the SCRA since 2006, and if service members were unlawfully charged mortgage interest in excess of 6% since 2008. Service members whose foreclosures violate the SCRA will receive a minimum of \$116,875 in compensation. (April 2012).
- The consent order in *United States v. B.C. Enterprises*, requires a towing company to pay \$75,000 in damages and repair the credit of over 20 service members whose vehicles were towed and sold at auction without court orders. (May 2012).
- The consent order in *United States v. Empirian Property Management, Inc.* (D. Neb.) requires the company to pay \$12,500 to four service members and up to \$20,000 to later-identified service members who were not permitted to terminate their leases after receiving military orders for permanent changes of station.

Under the Religious Land Use and Institutionalized Persons Act, the Section filed a complaint and obtained a temporary restraining order in *United States v. Rutherford County, TN*, a RLIUPA case alleging that the county had violated the act by denying a certificate of occupancy for a recently constructed mosque. (July 2012)

Office of the Special Counsel for Immigration-Related Unfair Employment Practices (OSC)

Since the beginning of FY 2012, OSC received 74 charges filed by U.S. citizens and legal immigrants (or their representatives) alleging unlawful employment discrimination based upon citizenship status or national origin, unfair documentary practices during the employment eligibility process, or retaliation. During this period, OSC opened 24 investigations, issued letters of resolution or entered into settlement agreements in 9 charges, and recovered approximately \$14,833 in back pay for victims and \$95,575 in civil penalties. Employers also agreed to change discriminatory practices so that all U.S. workers, both U.S. citizens and legal immigrants, would not face unnecessary hurdles in seeking or retaining employment.

OSC also conducts an extensive, nationwide public education campaign to teach workers, employers and concerned organizations about the anti-discrimination provision of the Immigration and Nationality Act (INA). In the past year, OSC participated in 33 public outreach sessions and webinars, and handled 789 calls through its employer and worker hotlines.

In FY 2014, OSC's workload may increase significantly based upon a number of factors that portend increased discrimination against U.S. citizens and legal immigrants. DHS is expected to continue its expanded efforts to address the large number of undocumented workers in the United States, including heightened enforcement of employer sanctions. In previous studies, GAO has linked employer sanctions with increased employment discrimination, primarily against Hispanics and Asians. Thus, heightened enforcement of employer sanctions is likely to lead to an increase in discrimination charges and hotline calls received by OSC.

This phenomenon is expected to be magnified by greater (and sometimes mandatory) use by employers of DHS' E-Verify program, an electronic employment eligibility verification system used to determine whether new hires are authorized to work in the United States. E-Verify allows an employer to confirm the employment eligibility of new hires online by comparing information from an employee's

employment eligibility verification Form I-9 against Social Security Administration and DHS databases. Already, more than 400,000 employers have enrolled in E-Verify, representing more than 1.2 million locations nationwide. DHS-commissioned studies have concluded that use of E-Verify results in increased discrimination against workers who look or sound foreign. They have also found that employers took prohibited adverse actions against employees receiving tentative no confirmations, including restricting work assignments, delaying training, reducing pay, requiring longer hours in poorer conditions, and otherwise assuming that these workers were unauthorized. The rapid expansion of E-Verify use over the past several years has exacerbated this problem. Since OSC has jurisdiction over discrimination in the employment eligibility verification process, the rapid expansion of E-Verify has resulted in an expansion of the breadth and scope of cases within OSC's jurisdiction.

Currently, OSC has a Memorandum of Agreement in place with U.S. Citizenship and Immigration Services providing for sharing of information and cross-referrals. In the past year, OSC has received approximately 29 referrals of potential E-Verify related discrimination or document abuse pursuant to the MOA, and is expecting a sharp increase in these referrals in the near future based on the continued refinement of automated reports that detect potential discrimination and the development of new reports to capture additional forms of discriminatory behavior. Furthermore, currently OSC responds to many E-Verify-related requests for assistance from workers and employers calling OSC's toll-free hotlines. In FY 2012, the percentage of E-Verify related hotline calls has constituted 19 percent of OSC's total calls, an increase since FY 2011. OSC expects this demand to continue, particularly in light of the rise in the number of states now requiring—either explicitly or implicitly—that certain employers within those states participate in E-Verify. OSC's experience has been that following passage of state legislation mandating that employers use E-Verify, OSC's E-Verify-related hotline calls noticeably increase.

Special Litigation Section (SPL)

The Special Litigation Section's very busy practice achieved important successes, enforcing existing matters and initiating new investigations and cases.

Americans with Disabilities Act (ADA): Implementing the promise of the Supreme Court's *Olmstead* decision, where the Court held that unjustified institutionalization is impermissible segregation and that individuals with disabilities should be served in the most integrated community setting consistent with their needs, continues to be a large part of the Section's practice. The Section's work includes efforts to enforce landmark settlements in Georgia and Delaware that remedy the unnecessary institutionalization of people with mental illness, and, in Georgia for people with intellectual disabilities as well. Both agreements create meaningful community services systems that have relied too heavily on segregated institutional services. In Oregon, the Section agreed to a process, which, if implemented, should resolve SPL's investigation into whether adults with serious mental illness are being served in the most integrated settings. The Section has entered into a comprehensive agreement with the State of Virginia that will, over a 10-year period, provide high quality integrated services for Virginia residents with developmental disabilities and ensure that the State comes into compliance with the ADA. The Section continues litigation regarding the unnecessary institutionalization of people with mental illness in New Hampshire. Our claims have been joined with those of private litigants; trial is scheduled for mid-2014. The Section intervened in Texas litigation regarding nursing home residents with intellectual disabilities who are not being served in the most integrated settings, and is negotiating with Mississippi regarding findings that adults and children with intellectual and mental health disabilities are not being served in the most integrated settings. The Section has also initiated an *Olmstead* investigation of Utah's mental health service system for children.

Police: The Section continued its robust work addressing patterns or practices of law enforcement misconduct. The Section entered more court-enforceable agreements with law enforcement agencies in calendar year 2012 than in the previous ten years combined. The Section reached comprehensive settlement agreements with five law enforcement agencies. These agreements provide direction for

continued work to ensure constitutional policing in areas including the treatment of persons with mental illness, use of force, and bias-free policing. In addition to enforcing approximately eleven agreements, the Section continued to actively investigate police departments and open new investigations. Most recently, the Section opened an investigation of the Albuquerque, NM Police Department. The Section also continues to litigate against the Maricopa County Sheriff's Office to address unconstitutional practices, including discriminatory policing and violations of the First Amendment, and is involved in ongoing litigation against Colorado City, AZ and Hildale, UT for religious discrimination in law enforcement.

Investigations opened by the Section, in Newark, NJ; Portland, OR; Miami, FL; Los Angeles County, CA; Meridian, MS; and Missoula, MT are evaluating alleged patterns of unconstitutional policing, including possible bias in policing and/or excessive force. Each of these investigations is being conducted jointly with United States Attorneys' Offices. The Section continues to participate heavily in external outreach, as well as in intra-Departmental coordination to respond to issues of common interest. On issues ranging from immigration to juvenile justice, the Section continues its increased coordination with the Department's Community Oriented Policing Services, Office of Justice Programs, and the Federal Bureau of Investigation.

CRIPA: The Section intervened in class action litigation challenging the conditions of confinement at Orleans Parish Prison in New Orleans, LA, including claims regarding prisoner safety, medical and mental health care, environmental and fire safety, and Spanish language services for prisoners with limited English proficiency. Pursuant to CRIPA, the Section issued findings letters regarding a juvenile facility, two prisons, and two jails. The Section also initiated a new CRIPA investigation regarding the Cresson and Pittsburgh Prisons in Pennsylvania. The Section reached a court enforceable settlement regarding conditions at the Robertson County, TN, jail and continues negotiations of court enforceable settlements regarding conditions at several other facilities, including the Golden Grove Adult Correctional and Detention Facility in the U.S. Virgin Islands, the Miami-Dade County Jail, and Cook County Jail in Chicago, IL. Other ongoing CRIPA compliance work involves seven psychiatric hospitals in Georgia, nursing homes in Alabama, and St. Elizabeth's Hospital in the District of Columbia. The Section also filed a successful motion to enforce its consent decree regarding a state psychiatric hospital in California.

Juvenile: Under 42 U.S.C. Section 14141, the Section has the authority to investigate and bring actions regarding juvenile justice and detention systems. The Section continued to enforce consent decrees in Puerto Rico, Ohio, Mississippi, and Terrebonne Parish, LA. In addition, the Section issued a comprehensive findings letter regarding due process and equal protection violations in the Shelby County, Tennessee juvenile court, and conditions at the Shelby County Juvenile Detention Center. The Section also issued a findings letter regarding due process violations in the administration of juvenile justice in Meridian, MS, and subsequently, sued a police department, a county juvenile court, and a state youth probation agency in this matter.

Freedom of Access to Clinic Entrances Act (FACE): In the Section's growing FACE practice, the Section filed five cases thus far regarding clinic obstructions or the use of or threat of force at reproductive healthcare facilities. In these cases, the Section reached settlement with one defendant, and dismissed its claims against another defendant.

Religious Land Use and Institutionalized Persons Act (RLUIPA): The Section's RLUIPA practice continues to expand. The Section settled two lawsuits, one with a consent injunction and the other with stipulated dismissal after the state repealed the regulation that resulted in a violation of RLUIPA. After an extensive investigation and attempts to find an amicable resolution, the Section filed suit against a state department of corrections which provides a kosher diet to only a handful of Jewish prisoners. The Section also initiated a new investigation and subsequently entered into an agreement with the jurisdiction to revise its policies, procedures, and training to prevent future violations of RLUIPA. Additionally, the Section filed two statements of interest related to prisoner religious practices. The Section continues to

engage in outreach to the religious community and is working with the Bureau of Prisons as well as others in the Department.

Voting Section (VOT)

In FY 2014, VOT will continue to place major emphasis on affirmative litigation, defending non-discretionary litigation, administrative reviews of voting changes, and monitoring of elections throughout the country. VOT's litigation activity has continued at record levels, with VOT beginning participation in a record 43 new cases in FY 2012.

VOT has continued its review of administrative submissions under Section 5 of the Voting Rights Act (VRA) of redistricting plans by covered jurisdictions resulting from the 2011 release of the 2010 Census data. The huge spike in workload after each Census is one of the greatest institutional challenges for VOT each decade. In the past 15 months, VOT has received 7,205 submissions for review under Section 5, including 2,050 redistricting plans. Over the same span, a record 13 new declaratory judgment actions have been filed in the D.C. District Court by covered jurisdictions seeking judicial preclearance for redistricting plans and other complex voting changes under Section 5. VOT received favorable decisions after trial in four of these Section 5 cases in FY 2012. Since the 2006 reauthorization of the special provisions of the VRA, there have been more constitutional challenges brought against the preclearance provisions of Section 5 than in all the years between 1965 and 2006. The Department is responsible for defending these challenges, and in FY 2012 the Department received favorable decisions from the D.C. Circuit in two of these cases, for which certiorari petitions were filed in the Supreme Court. One was granted, and one was denied. In FY 2012, VOT has also participated as amicus in 5 cases on Section 5 issues, while several other constitutional challenges remain pending in the district court.

In the *Northwest Austin* decision, the Supreme Court expanded tenfold the number of covered jurisdictions eligible to file a statutory action seeking to bail out from the preclearance requirements of the VRA. A record number of bailout cases have been filed since that decision, and the D.C. District Court has granted, with the Department's consent, the first-ever bailouts by covered jurisdictions from Alabama, Texas, California and Georgia; the first bailout from a North Carolina jurisdiction since 1967, as well as additional bailouts from Virginia. FY 2012, a record nine new bailout cases were filed, and one additional has been filed to date. Of these, in eight cases, bailout has been granted by the court with the Department's consent while two cases remain pending.

In the MOVE Act, Congress enacted major amendments to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). In FY 2012, in already pending cases, VOT obtained a comprehensive remedy in its New York case, including an order advancing the date of New York's 2012 Federal primary election. The Section also filed supplemental consent agreements with Illinois and Guam. In FY 2012 and FY 2013, VOT filed seven new UOCAVA cases to ensure military and overseas voters the opportunity to vote (Virgin Islands, Alabama, Georgia, Vermont, Wisconsin, California and Michigan). Favorable resolutions were obtained in each of these cases. The Section also participated as amicus in two other cases. In the run-up to the 2012 Federal primary and general elections, VOT devoted considerable resources to outreach and monitoring with election officials concerning compliance. Enforcement of UOCAVA will continue to be a major priority going forward.

Under the National Voter Registration Act (NVRA), VOT continued its litigation against Louisiana, filed a new lawsuit against Florida, and filed amicus briefs in three additional cases. VOT continues to review state compliance with all of the requirements of the NVRA, which require that states provide voter registration opportunities at driver license, public assistance and disability service offices, or through the mail, and requires that states conduct list maintenance according to specific rules.

VOT is continuing its emphasis on the enforcement of the language minority requirements of the VRA, which require certain jurisdictions to provide assistance and information in minority languages to affected

communities. In the past 15 months, VOT has resolved cases against Lorain County, Ohio, and Orange County, New York, requiring additional steps to ensure voting access for limited English proficient, Spanish-speaking, Puerto Rican voters. VOT also has resolved a case against Alameda County, California, requiring additional steps to ensure voting access by limited English proficient voters who speak Spanish and Chinese, and a case against Colfax County, Nebraska to ensure access for Spanish-speaking voters.

Enforcement of Section 2 of the VRA, which prohibits voting practices that are discriminatory in purpose or effect, remains a priority. VOT has opened a number of new investigations under Section 2 as a result of its initiative to identify election systems that may dilute minority voting strength, in light of the new census data released in 2011. VOT has filed amicus briefs on Section 2 issues in a statewide redistricting case and in a local case.

Under the Help America Vote Act (HAVA), VOT continues to place emphasis on ensuring compliance with its extensive requirements, such as statewide voter registration lists, provisional ballot procedures, voter information and identification procedures, and new accessible voting devices in polling places.

VOT continues to place major emphasis on the monitoring of elections. In the past 15 months, VOT has monitored 109 elections, using 1,052 Federal observers from the Office of Personnel Management (OPM) and 321 DOJ staff.

VOT expects to continue vigorous enforcement activity under the VRA, UOCAVA, NVRA, and HAVA in FY 2014. VOT will continue to devote substantial resources to the review of the large volume of submissions under Section 5 of the VRA, and the investigation and defense of the large volume of non-discretionary cases; including bailout cases, constitutional challenges, and judicial preclearance cases. VOT will continue to prioritize the annual monitoring of elections throughout the country.

b. Strategies to Accomplish Outcomes

Strategic Objective 2.5: Promote and protect Americans' civil rights.

The Department is committed to upholding the civil and Constitutional rights of all Americans, including some of the most vulnerable members of society. In 2014, the Division will continue reach its performance goals by vigorously enforcing the civil rights laws to ensure equal treatment and equal justice under the law, reflecting the country's highest ideals and aspirations. These statutes not only aim to protect the civil rights of racial and ethnic minorities, but also those of religious minorities, women, persons with disabilities, servicemembers, individuals housed in public institutions, and individuals who come from other nations and speak other languages. CRT will be prepared to address both long-standing civil rights issues as well as to confront emerging civil rights challenges. CRT intends to achieve its objective by enforcing each of the laws within the scope of its responsibility fairly and evenhandedly, and is committed to ensuring equal opportunity for all through its litigation, prevention efforts, outreach initiatives, technical assistance, and partnerships.

The Civil Rights Division is working to ensure it is positioned to tackle both existing and emerging challenges for civil rights in the 21st Century. With the program increases CRT is seeking in FY 2014, the Division will have the necessary resources to strengthen and reinvigorate all facets of civil rights enforcement, address predatory and discriminatory financial and mortgage fraud crime, and combat police misconduct.

CRT's 2014 strategic focus areas include:

Strengthen and Restore Civil Rights Enforcement. The Civil Rights Division is committed to a broad and multi-focused approach to achieving civil rights protections and compliance. With the \$5,072,000

program increase to strengthen and restore civil rights enforcement, resources will allow for expanded efforts across all mission and program areas, ensuring protection and justice under the law for the broadest number of citizens, including the Nation's most vulnerable.

Financial and Mortgage Fraud. The recent financial crisis highlighted the disproportionate effect discriminatory lending practices have on minority communities, the disadvantaged, and the elderly. Risky and irresponsible predatory and discriminatory lending practices that targeted minority communities resulted in high numbers of subprime and exotic loans to minority borrowers and high rates of foreclosures in those communities. With the \$1,500,000 program increase, CRT will be well-positioned to aggressively investigate and prosecute these crimes. CRT has established a Fair Lending Unit that substantially expands its capacity to pursue and prosecute fair lending cases combating illegal and discriminatory lending practices. CRT also works closely with other Federal agencies, fair housing groups, and community partners to ensure that lenders and agents participating in Federal programs provide equitable treatment to homeowners seeking help.

Police Misconduct. Law enforcement officers who use their positions to deprive individuals of their civil rights undermine the integrity of the Nation's entire criminal justice system. The \$1,928,000 program increase requested for police misconduct will enhance the Division's efforts to investigate and prosecute these acts of official misconduct. While the Department recognizes that law enforcement officers put their lives on the line to protect public safety every day and take seriously their oaths to uphold the Constitution, the Department is committed to holding law enforcement officers accountable when violations occur. The Division actively investigates and evaluates the pattern or practice of discriminatory policing in violation of section 14141 of the Violent Crime Control and Law Enforcement Act of 1994, and brings criminal prosecutions where appropriate. Criminal prosecutions will focus on the conduct of individuals and address the most egregious incidents of police misconduct. Civil pattern or practice investigations will focus on systemic problems within police departments and unlawful conduct. The Division currently has more active police pattern or practice investigations of law enforcement agencies than any other time in the Division's history.

Additionally, CRT will initiate Title VII litigation against police departments where there is reason to believe that a "pattern or practice" of discrimination exists. Such actions can address employment practices, such as recruitment, hiring, assignments and promotions which have the purpose or effect of denying employment or promotional opportunities to a class of individuals. The Division will use every tool in its law enforcement arsenal to ensure police officers, and the police department as a whole, is carrying out its mission in a lawful manner. Effective policing and constitutional policing go hand in hand. The Department owes it to the communities, and all law abiding police officers who put their lives on the line every day, to address the serious challenges confronting police departments across our great country.

The Civil Rights Division's mission also includes enforcement and outreach under a number of civil rights programmatic areas, and CRT will continue to apply its efforts in areas such as:

Outreach and Education. CRT will continue to expand outreach to communities and stakeholders to ensure the Division's work is informed not only by statistics and complaints, but also by understanding how CRT can positively impact the lives of those individuals and communities that are affected by our work. Additionally, the Division is working to build and maintain positive relationships with its Federal agency partners in order to better protect the civil rights of all individuals. CRT will continue to work collaboratively with federal, state and local agencies, where appropriate, in order to ensure increased coordination and partnership. This will expand the reach of the Division in its critical protection of the rights of all Americans.

Defend Victims of Human Trafficking. Trafficking in humans stands among the most offensive moral scourges in America and is equivalent to modern-day slavery. The victims endure sexual assault,

brutality and fear. The crimes often last for months or years, involving complex facts and international organized criminal networks. There are unique challenges in prosecuting such investigations, as each is time- and labor-intensive, and demand specialized skills and the ability to conduct these investigations across jurisdictions and international borders.

Target Hate Crimes. Hate crimes are a significant investigative priority because they impact not only the victims, but an entire community. Conservative estimates indicate that the level of voluntarily reported hate crimes is less than half of the actual hate crimes that occur annually in the United States. The Department's authority to prosecute hate crime cases expanded considerably with enactment of the Matthew Shepard Hate Crime Prevention Act in 2009. The Act expands the statute to allow Federal prosecutions of hate crimes committed against victims because of their actual or perceived sexual orientation, gender, gender identity, or disability. CRT works with Federal judicial districts to coordinate the efforts of Federal and state, state and local district attorneys, and community-based organizations.

In 2008, the Emmett Till Unsolved Civil Rights Crime Act of 2007 was enacted to investigate and prosecute 112 previously unresolved civil rights era "cold cases," through a partnership among CRT, USAOs, and the FBI. To further advance this initiative, the Division intends to conduct extensive public outreach to encourage witnesses to come forward and develop other investigative leads to help solve the cold cases.

Ensure Voting Rights. State and local jurisdictions will continue to seek preclearance under Section 5 of the Voting Rights for redistricting plans as a result of the 2010 Census, as well as other complex voting changes. The Division will continue to devote significant resources to reviewing administrative submissions and defending judicial preclearance under Section 5. CRT will also continue its significant enforcement efforts in litigation under the non-discrimination and language minority requirements of the Voting Rights Acts, the Uniformed and Overseas Citizens Absentee Voting Act, the National Voter Registration Act, and the Help America Vote Act, as well as its nationwide election monitoring program.

Special Litigation. Enhanced Civil Rights of Institutionalized Persons Act (CRIPA) enforcement efforts will combat abuse and neglect in institutions, protect the rights of nursing home residences and youth in juvenile detention and correctional facilities, and address the mental health needs of individuals in correctional and health care facilities. To this end, the Division will significantly enhance our law enforcement efforts by increasing the number of investigations, settlements, and cases and by strengthening our monitoring of settlements to ensure compliance.

Fight Employment Discrimination Through a Renewed Use of Pattern and Practice Litigation. Pattern or practice cases are particularly important civil rights enforcement tools because they lead to systemic reforms that remedy and prevent future discrimination, benefiting large numbers of minority and/or female applicants and employees. The Department is committed to the use of this tool on behalf of minorities and women. It will institute and apply principles for targeting employers most likely to be engaging in pattern or practice discrimination, leverage joint resources, collaborate on investigations, and policy development, as well as to bring lawsuits under Section 707.

Protect the Rights of Persons with Disabilities. CRT will continue its innovative and multi-faceted approach toward achieving compliance with the Americans with Disabilities Act (ADA) and increasing access for persons with disabilities. The Disabilities Rights Section will ensure new facilities are constructed in compliance with ADA Standards for Accessible Design; continue its successful Project Civic Access initiative in bringing entire cities, counties and towns in compliance with ADA; and assist states in fulfilling their obligations under the Supreme Court's *Olmstead* decision, which requires that people with disabilities receive state services and treatment in the most integrated setting appropriate. The Department is committed to fully aligning its enforcement activities with the scope and reach of the decision. In order to leverage the *Olmstead* decision's potential, CRT continues to participate, through intervention or amicus briefs, in ongoing *Olmstead* litigation on behalf of individuals with disabilities,

both in and out of institutions; initiate its own *Olmstead* cases; and work cooperatively with HHS and HUD to ensure that the resources of the Federal Government are used to promote the treatment of individuals with disabilities in adequate and appropriate community settings.

Protect Religious Liberty. The Department enforces a wide range of laws protecting religious liberty: barring discrimination based on religion in employment, public education, housing, credit, and access to public facilities and public accommodations; barring zoning authorities from discriminating against houses of worship and religious schools; protecting the religious rights of institutionalized persons; and criminal statutes such as the Church Arson Prevention Act, which makes it a Federal crime to attack persons or institutions based on their religion or otherwise interfere with religious exercise.

Expand Equality for Lesbian, Gay, Bisexual, and Transgender (LGBT) Americans. As the needs of the 21st century emerge, it is critical that the Department explore new ways to expand civil rights and protect all Americans from discrimination. LGBT individuals often find themselves the victims of discrimination and violence, but many jurisdictions and existing Federal, state, and local laws fail to offer basic civil rights protections. CRT plays a role in advancing the rights of all individuals using its existing authorities as well as the new authorities it seeks to combat hate crimes and employment discrimination targeting LGBT Americans.

Meet New Challenges to Educational Equity. Providing each of the Nation's children with equal access to a quality education is essential to ensuring that they can develop their full potential, obtain meaningful work, support themselves and their families, and fully participate in democracy. To supplement CRT's historic focus on entering into and enforcing desegregation decrees, the Division will enforce states' and schools' obligations under the Equal Educational Opportunities Act to overcome language barriers faced by English Language Learners; address discrimination in schools, based on race, sex, national origin, disability, and religion, including student harassment such as sex stereotyping of LGBT students; and improve educational equity for students with disabilities who are often subject to multiple forms of discrimination, (e.g., minority students are over- or under-referred for special education services) through investigations, intervention, in private lawsuits, amicus briefs, or statements of interest.

Priority Goals

CRT will support Priority Goal 4 as follows:

Goal 4 Vulnerable People: Protect those most in need of help, with special emphasis on child exploitation and civil rights.

By September 30, 2014, working with state and local law enforcement agencies, protect potential victims from abuse and exploitation by achieving a 5% increase for:

- Matters/investigations resolved concerning human trafficking.

V. Program Increases by Item

Item Name: Civil Rights Enforcement

Budget Decision Unit: Civil Rights Division

Strategic Goal/Objective:

Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law

Objective 2.5: Promote and protect Americans' civil rights

Organizational Program: Civil Rights Division

Component Ranking of Item: 1 of 3

Program Increase: Positions 50 Agt/Atty 25 FTE 25 Dollars \$5,072,000

Description of Item

The Department is requesting additional resources of 50 positions (25 attorneys) and \$5.1 million to strengthen the civil rights enforcement efforts that the Attorney General has identified as part of his Vulnerable People Priority Goal and for other programs that require renewed emphasis. While the requested increase would benefit all programmatic areas, it would specifically allow CRT to increase its efforts against civil rights violations associated with human trafficking, hate crimes, and enforcement of CRIPA. In addition, CRT would be able to expand opportunities for people with disabilities, and broaden overall protections for equal education, equal housing, and equal employment. These are areas that the Attorney General has determined warrant specific attention and has identified as part of his Vulnerable People Priority Goal.

Justification

Human Trafficking. Trafficking in humans stands among the most offensive moral scourges in America and is equivalent to a modern-day slave trade. Each year, an estimated six to eight hundred thousand victims, many of them children, are brutalized, traumatized, and isolated, leaving them bereft of hope of escape or rescue. There are unique challenges in prosecuting such investigations, as each is time and labor intensive; demanding of both specialized skills and the ability to conduct the investigations across jurisdictions and international borders.

Hate Crimes. Hate crimes enforcement is one of the Administration's and the Department's top civil rights priorities. Perpetrators of these crimes victimize not only individuals but families and even entire communities. Prosecuting persons committing these crimes has remained at the core of the Civil Rights Division since its inception in 1957. The incidence of these hate crimes continues to rise and additional resources are desperately needed to investigate and prosecute those who engage in these atrocious acts. Additionally, CRT must extend its outreach efforts to mitigate these crimes and their impacts through education, awareness, and intervention.

Special Litigation. Enhanced CRIPA enforcement efforts will combat abuse and neglect in institutions, protect the rights of nursing home residents and youth in juvenile detention and correctional facilities, and address the mental health needs of individuals in correctional and health care facilities. To this end, the Division will enhance significantly our law enforcement efforts by increasing the number of investigations, settlements, and cases and by strengthening our monitoring of settlements to ensure compliance.

Impact on Performance (Relationship of Increase to Strategic Goals and Priority Goals)

The Attorney General's Strategic Goal 2 and Vulnerable People Priority Goal correlate directly with CRT's request to restore and strengthen civil rights enforcement. The Attorney General is strongly committed to providing civil rights protections for all people, especially those who are part of the Nation's most vulnerable populations. Increased efforts to eradicate discrimination play an integral role in DOJ's Strategic Plan.

FundingBase Funding

FY 2012 Enacted				FY 2013 Continuing Resolution				FY 2014 Current Services			
Pos	Ag/ Atty	FTE	\$(000)	Pos	Ag/ Atty	FTE	\$(000)	Pos	Ag/ Atty	FTE	\$(000)
715	384	648	\$144,500	715	384	630	\$145,384	714	383	629	\$146,733

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2014 Request (\$000)	FY 2015 Net Annualization (change from 2014) (\$000)
Attorney	\$125	25	\$3,121	\$3,057
Civil Rights Analyst	85	2	170	152
EO Specialist	85	9	766	677
Economist	85	1	85	76
Statistician	85	2	170	151
Investigator	71	4	286	260
Personnel Specialist	80	2	160	137
Budget Analyst	80	1	80	68
Paralegal	63	3	188	166
Clerical	46	1	46	41
Total Personnel	\$805	50	\$5,072	\$4,785

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2014 Request (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)
	\$0	0	\$0	\$0

Total Request for this Item

	Pos	Ag/ Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)
Current Services	714	383	629	\$146,733	\$0	\$146,733	\$0
Increases	50	25	25	\$ 5,072	\$0	\$ 5,072	\$4,785
Grand Total	764	408	654	\$151,805	\$0	\$151,805	\$4,785

Item Name: Financial and Mortgage Fraud

Budget Decision Unit(s): Civil Rights Division

Strategic Goal/Objective:

Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law

Objective 2.5: Promote and Protect Americans' Civil Rights

Organizational Program: Civil Rights Division

Component Ranking of Item: 2 of 3

Program Increase: Positions 15 Agt/Atty 10 FTE 8 Dollars \$1,500,000

Description of Item

Losses in financial fraud cases have ranged from the millions to the billions of dollars. Mortgage fraud and foreclosure rescue scams routinely involve millions of dollars in losses and multiple defendants, including mortgage brokers, real estate agents, appraisers, closing agents, and straw buyers and sellers who receive kickbacks. It is imperative that the Department enforce the laws that protect the integrity of our economic system.

The Financial and Mortgage Fraud request includes a program enhancement of 15 positions (including 10 attorneys) and \$1,500,000. These resources will enable the Department to hold accountable individuals who perpetrate financial and mortgage fraud, deter future perpetrators of fraud, and recover monies stolen from the U.S. taxpayer.

Justification

The Civil Rights Division will expand civil enforcement efforts, including investigations of predatory lending; pricing discrimination matters involving allegations of potentially fraudulent behavior; and redlining discrimination involving allegations that reputable lenders failed to provide loan opportunities on an equal basis in majority-minority neighborhoods leaving those markets open to fraudulent or predatory lenders.

Impact on Performance (Relationship of Increase to Strategic Goals and Priority Goals)

CRT's enhancement request for financial and mortgage fraud relates directly to The Attorney General's Strategic Goal 2 and the Financial and Healthcare Fraud Priority Goal due to the predatory and discriminatory nature of these crimes. Financial and Mortgage fraud affect minority, disadvantaged and elderly populations disproportionately, and increased resources are necessary to investigate, prosecute and seek redress on behalf of those devastated by these offenses.

FundingBase Funding

FY 2012 Enacted				FY 2013 Continuing Resolution				FY 2014 Current Services			
Pos	Ag't/ Atty	FTE	\$(000)	Pos	Ag't/ Atty	FTE	\$(000)	Pos	Ag't/ Atty	FTE	\$(000)
12	9	10	\$1,381	12	9	10	\$1,381	12	9	10	\$1,381

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2014 Request (\$000)	FY 2015 Net Annualization (change from 2014) (\$000)
Attorney	\$111	10	\$1,108	\$1,023
EO Specialist	86	1	86	87
Economist	97	1	97	95
Statistician	98	1	98	95
Paralegal	63	1	63	63
Clerical	48	1	48	41
Total Personnel	\$502	15	\$1,500	\$1,404

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2014 Request (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)
	\$0	0	\$0	\$0

Total Request for this Item

	Pos	Ag't/ Atty	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)
Current Services	12	9	10	\$1,381	\$0	\$1,381	\$0
Increases	15	10	8	\$1,500	\$0	\$1,500	\$1,404
Grand Total	27	19	18	\$2,881	\$0	\$2,881	\$1,404

Item Name: Police Misconduct Enforcement

Budget Decision Unit(s): Civil Rights Division

Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law

Objective 2.5: Promote and Protect Americans' Civil Rights

Organizational Program: Civil Rights Division

Component Ranking of Item: 3 of 3

Program Increase: Positions 20 Agt/Atty 9 FTE 10 Dollars \$1,928,000

Description of Item

The aggressive protection of the public's trust in the integrity of law enforcement is critical to effective policing. The public, along with the law enforcement community, recognize the need to establish the highest levels of confidence in the integrity and full accountability of police work. In the past year, initiations of inquiries into systemic deficiencies in police departments reached the highest number in the history of the Division. The request for \$1,928,000 will provide for 20 new positions, including 9 attorneys, 5 paralegals, and 6 investigators to provide the capacity to effectively address this expansion in workload.

Justification

The Civil Rights Division enforces both the criminal and civil statutes that protect the civil rights of persons in their interactions with law enforcement officers. As a result of the complexity of these matters, the lack of private right of action under Section 14141, and the cost of investigation and litigation, the Civil Rights Division plays a unique and critical role in ensuring that police practices across the United States are constitutional. CRT's unique mission within the Department also alleviates conflict of interest in the prosecution of local police departments by the U.S. Attorneys' Offices, and protects their role as partners in local enforcement.

Over the last three years, the Division's overall workload has increased in both complexity and scope while staffing ratios have been dramatically reduced. The Criminal Section (CRM) maintained a robust docket of color of law cases. Allegations of police abuse and other official misconduct, which comprise the majority of complaints reviewed by CRM, continue to be a high priority. In FY 2012, 59 law enforcement officers, including police officers, deputy sheriffs, and State prison correctional officials, were charged with using their positions to deprive individuals of their constitutional rights, such as the right to be free from unwarranted assaults and illegal arrests and searches. The number of cases indicted by the CRM Section has grown from a low in 2003 of 63 cases (of which 27 were police cases) to 124 in 2012 (of which 44 were police cases). From 2003 to 2012, the Section essentially doubled its case load with the same staff.

The investigations conducted by CRT's Special Litigation Section (SPL) have similarly increased in both number and scope. The Section has more active police pattern or practice investigations of law enforcement agencies than any other time in the Division's history. The Section has 27 active law enforcement pattern or practice cases: 13 open investigations, three matters in litigation, and nine matters that have been resolved by an agreement that SPL is enforcing. In two of the open investigations, SPL has issued letters of finding and is in active negotiations to secure a settlement. SPL is preparing to file litigation in at least two additional matters.

With the combined growth in the overall docket, the increase in demand for action on police misconduct matters has outstripped the level of resources available to the Division. On average, each large, civil

police investigation or matter in enforcement requires 1,900 hours of attorney time in the first year of an investigation. From initiation to conclusion, these cases often take years to complete. While the workload requirements fluctuate over time, a significant commitment of resources is required throughout. On at least a weekly basis, the Division is contacted by community groups, public officials or, in some cases, police leaders asking SPL to open a pattern or practice investigation. Preliminary reviews of these matters have identified very serious concerns that would benefit from the Division's intervention.

Impact on Performance (Relationship of Increase to Strategic Goals and Priority Goals)

This enhancement links to the FY 2012-2016 Strategic Plan, Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law; Objective 2.5: Promote and Protect American's Civil Rights.

The Federal government has a compelling interest in establishing and maintaining trust in the Country's public institutions, especially those vested with the mission to protect and defend its citizens. The Division's law enforcement work is designed to target unconstitutional conduct, while at the same time increasing community confidence in the police and improving public safety. Building on the experience of prior cases, the Division's investigations are more comprehensive, the findings are more thorough, and the remedies sought more detailed than ever before.

The additional positions funded through the program increase will allow the Division to enhance its multi-faceted approach to enforcement, specifically through improved performance capabilities in the Division's Criminal, Special Litigation, and Employment Sections as follows:

Criminal (CRM)

CRM enforces the Nation's criminal laws penalizing law enforcement misconduct, hate crimes, and human trafficking, among other crimes. Criminal indictments and criminal prosecutions address the most egregious incidents of individual police misconduct, and can be the impetus for widespread, positive change across entire departments. The Section's total attorney staffing ceiling is 60 attorneys who devote approximately 40% of their time to police misconduct enforcement. The program increase will add four attorneys, two investigators, and two paralegals in support of CRM's police misconduct enforcement efforts.

Section investigators prepare case files for attorney review by working with the FBI to ensure proper evidence has been collected and ensuring that case files are complete. The addition of two investigators will increase productivity by allowing the investigative staff to carry a more manageable docket of about 100 cases each. The reduction in docket size enables more efficiency in the preparation of files for prosecutor review and handling, resulting in a 4% increase in attorney productivity for each additional investigator added to the staff. Currently, a shortage of investigative staff has created backlogs as investigators struggle to develop the case files for prosecutor review.

Along with the increased productivity resulting from the additional investigative and paralegal staff, the three new attorney positions funded through the increase should help return the section to an overall 2.4 case/attorney ratio, reducing attorney burn-out and resulting in the Section bringing nine additional police prosecutions each fiscal year.

Special Litigation (SPL)

SPL's law enforcement work focuses on patterns or practices of police misconduct, and both broad investigations of departments with deeply-rooted and/or widespread structural breakdowns as well as targeted, issue-focused initiatives. Investigations always involve the use of police experts; often require the review of tens of thousands of pages of documents; and routinely involve repeated site-visits and hundreds of interviews with police officials, line officers, victims of civil rights violations, community leaders and elected officials. If violations are found, SPL seeks durable, sustainable remedies, often embodied in an injunction. Implementation of reforms is a long-term and time intensive process often lasting a decade. The Section currently has nine law enforcement related cases with injunctions or agreements that are being enforced. SPL's total attorney staffing level is 43 line attorneys, who devote approximately 33% of their time to police misconduct enforcement. The program increase will add four attorneys, three investigators, and two paralegals in support of SPL's police misconduct litigation efforts.

As with CRM, the addition of investigative staff increases efficiency through production of more timely and complete case files. The increased productivity gained through additional support staff will enhance the level of police misconduct cases the attorneys will be able to initiate. In SPL, statistics show that for each additional attorney, one additional large investigation is possible in the first year. Resource needs diminish as the emphasis shifts from investigations to enforcement; however, as the docket of cases with consent decrees grows, more resources must be committed to ensure compliance. Over time, equilibrium is reached resulting in a smaller ratio of attorneys to cases after the first year of an investigation.

Employment Litigation (ELS)

The Employment Litigation Section (ELS) enforces Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, et seq., ("Title VII") against state and local government employers. As stated by a comprehensive report on police misconduct:

A police agency whose officers reflect the racial demographics of the community they serve fulfills several important purposes in reducing racial bias in policing. First, it conveys a sense of equity to the public, especially to minority communities. Second, it increases the probability that, as a whole, the agency will be able to understand the perspectives of its racial minorities and communicate effectively with them. Third, it increases the likelihood that officers will come to better understand and respect various racial and cultural perspectives through their daily interactions with one another.¹

ELS is a recognized leader in bringing challenges to public employer practices that unnecessarily screen out minorities and women. These large cases usually result in the employer changing its employment processes so that the new examinations or criteria actually evaluate candidates for what is necessary for the job and have less disparate impact on minorities and women. ELS's total attorney staffing ceiling is 45 attorneys and approximately 33% of ELS's cases and investigations involve police departments. The program increase will add one attorney, one investigator, and one paralegal in support of ELS's mission to reduce police misconduct through equity in hiring practices. Cases that challenge a department's hiring or promotion policies are significant undertakings that require a large commitment of resources. Because of the large volume of documents and data that must be analyzed, the Section usually assigns two attorneys and a paralegal to this type of investigation and may increase the team to three attorneys if the case is litigated. These investigations can take over a year to complete and during that year can take approximately half of an attorney's time. One additional attorney position will permit ELS to increase its caseload regarding police hiring and promotion practices and increase the ability to find, investigate, and

¹ Lorie Fridell, Robert Lunney, Drew Diamond and Bruce Kubu, *Racially Biased Policing: A Principled Response*, Police Executive Research Forum, 68-69 (2001), <http://www.policeforum.org/library/?folderPath=/library/racially-biased-policing/a-principled-response/#documents>

litigate potential violations. The added attorney position will allow the Section to investigate a minimum of two additional police departments a year and expect to resolve 2-3 cases annually.

ELS's additional investigator position would be filled by an individual who would assist in identifying and investigating police departments for enforcement actions by conducting statistical analyses of the departments' workforces and hiring practices and analyzing the hiring practices at issue to see if they actually evaluate candidates on job-related criteria. Additionally, ELS will use this investigator to conduct statistical analyses regarding disparate treatment claims of minorities in hiring and promotion. Currently, ELS is forced to rely on consultants for these types of analyses. Having the capacity to conduct this work in-house would significantly increase ELS's efficiency.

In summary, the additional resources will allow CRT to make changes in policies and practices related to the use of force; stops, searches and arrests; custodial interrogations; photographic line-ups; prevention of discriminatory policing; community engagement; recruitment; training; officer assistance and support; performance evaluations and promotions; supervision; and misconduct investigations. The work will encourage greater civilian oversight and will foster community interaction and partnerships.

Effective policing and constitutional protections go hand in hand. We owe it to the communities, and to the law-abiding officers who put their lives on the line every day, to address the serious challenges confronting too many police departments. The Division is committed to working alongside its law enforcement partners in a spirit of fairness and professionalism, to ensure that all necessary reforms are achieved, and the public is effectively and honorably served.

Impact on Performance (Relationship of Increase to Strategic Goals and Priority Goals)

CRT's enhancement request to address Police Misconduct relates directly to The Attorney General's Strategic Goal 2. The Department is dedicated to honoring the faith that Americans' have in the integrity of their police forces, and will work aggressively to ensure that civil rights protections are the cornerstone of law enforcement.

Funding

Base Funding

FY 2012 Enacted				FY 2013 Continuing Resolution				FY 2014 Current Services			
Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)
71	52	71	\$11,928	71	52	71	\$11,928	71	52	71	\$12,174

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2014 Request (\$000)	FY 2015 Net Annualization (change from 2014) (\$000)
Attorney	\$121	9	\$1,089	\$1,208
Investigators	74	6	444	438
Paralegal	65	5	325	316
Total Personnel	\$260	20	\$1,858	\$1,962

Non-Personnel Increase Cost Summary

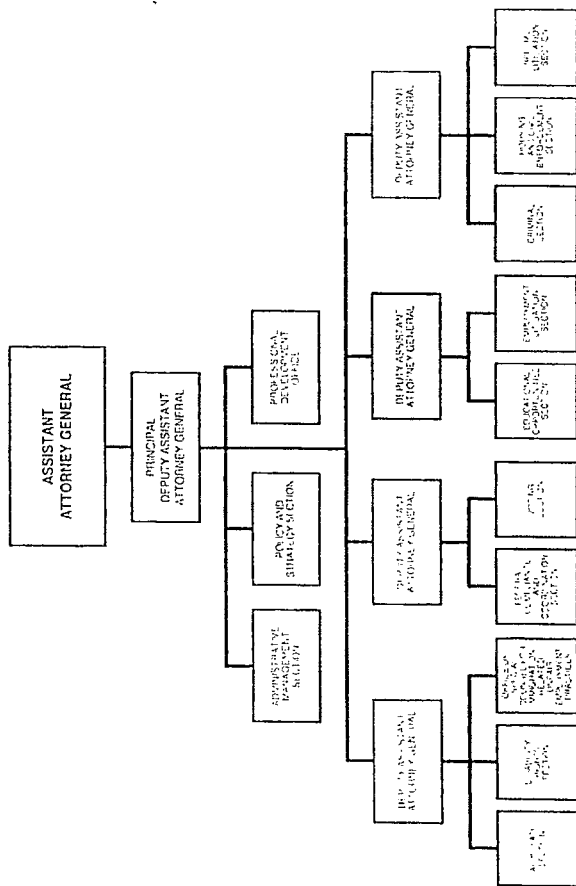
Non-Personnel Item	Unit Cost	Quantity	FY 2014 Request (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)
Litigative Consultants	\$0	0	\$70	\$71

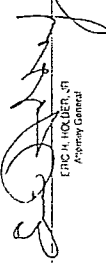
Total Request for this Item

	Pos	Agt/ Atty	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)
Current Services	71	52	71	\$12,174	\$ 0	\$12,174	\$ 0
Increases	20	9	10	\$ 1,858	\$70	\$ 1,928	\$2,033
Grand Total	91	61	81	\$14,032	\$70	\$14,102	\$2,033

A: Organizational Chart

CIVIL RIGHTS DIVISION



Approved by  Eric H. HOLDER, JR.
Attorney General

Dated April 22, 2010

B. Summary of Requirements

Summary of Requirements
Civil Rights Division
Salaries and Expenses
(Dollars in Thousands)

	FY 2014 Request		
	Direct Pos.	Estimate FTE	Amount
2012 Enacted	715	648	144,500
2013 Continuing Resolution			
2013 CR 0.612% Increase			884
Total 2013 Continuing Resolution			145,384
Technical Adjustments			
Adjustment - 2013 CR 0.612%	0	0	-884
Total Technical Adjustments	0	0	-884
Base Adjustments			
Transfers:			
JCON and JCON SVTS	0	0	377
Office of Information Policy (OIP)	0	0	-50
Office of Tribal Justice (OTJ)	-1	-1	-261
Professional Responsibility Advisory Office (PRAO)	0	0	-131
Pay and Benefits	0	0	1,028
Domestic Rent and Facilities	0	0	1,270
Total Base Adjustments	0	0	2,233
Total Technical and Base Adjustments	-1	-1	1,349
2014 Current Services	714	629	146,733
Program Changes			
Increases:			
Civil Rights Enforcement	50	25	5,072
Financial and Mortgage Fraud	15	8	1,500
Police Misconduct Enforcement	20	10	1,928
Subtotal, Increases	85	43	8,500
Total Program Changes	85	43	8,500
2014 Total Request	799	672	155,233
2012 - 2014 Total Change	84	24	10,733

Note: The FTE for FY 2012 is actual and FY 2013 and FY 2014 are estimates.

B. Summary of Requirements

Summary of Requirements
Civil Rights Division
Salaries and Expenses
(Dollars in Thousands)

Program Activity	2012 Appropriation Enacted			2013 Continuing Resolution*			2014 Technical and Base Adjustments			2014 Current Services		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Civil Rights Division	715	648	144,500	715	630	145,384	-1	-1	1,349	714	629	146,733
Total Direct	715	648	144,500	715	630	145,384	-1	-1	1,349	714	629	146,733
Balance Rescission			0			0			0			0
Total Direct with Rescission			144,500			145,384			1,349			146,733
Reimbursable FTE		29			29			0			29	
Total Direct and Reimb. FTE		677			659			-1			658	
Other FTE: LEAP		0			4			0			0	
Overtime		4			4			0			4	
Grand Total FTE		681			663			-1			662	

Program Activity	2014 Increases			2014 Offsets			2014 Request		
	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Civil Rights Division	85	43	8,500	0	0	0	799	672	155,233
Total Direct	85	43	8,500	0	0	0	799	672	155,233
Balance Rescission			0			0			0
Total Direct with Rescission			8,500			0			155,233
Reimbursable FTE		0			0			29	
Total Direct and Reimb. FTE		43			0			701	
Other FTE: LEAP		0			0			0	
Overtime		0			0			4	
Grand Total FTE		43			0			705	

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

Summary of Requirements
Civil Rights Division
Salaries and Expenses
(Dollars in Thousands)

Program Increases	Location of Description by Program Activity	Civil Rights Division				Total Increases			
		Direct Pos.	Ag'l/ Atty.	Est. FTE	Amount	Direct Pos.	Ag'l/ Atty.	Est. FTE	Amount
Civil Rights Enforcement	Restore and strengthen civil rights enforcement.	50	25	25	5,072	50	25	25	5,072
Financial and Mortgage Fraud	Hold accountable criminals who perpetrate financial and mortgage fraud, deter future perpetrators of fraud, and recover monies stolen from the U.S. taxpayer.	15	10	8	1,500	15	10	8	1,500
Police Misconduct Enforcement	Combating abuse, discriminatory policing, and other unconstitutional actions by law enforcement officials.	20	9	10	1,928	20	9	10	1,928
Total Program Increases:		85	44	43	8,500	85	44	43	8,500

D. Resources by DOJ Strategic Goal and Strategic Objective

Resources by Department of Justice Strategic Goal/Objective
Civil Rights Division
Salaries and Expenses
(Dollars in Thousands)

Strategic Goal and Strategic Objective	2012 Appropriation Enacted			2013 Continuing Resolution*			2014 Current Services			2014 Increases			2014 Offsets			2014 Total Request		
	Direct/ Reimb FTE	Amount		Direct/ Reimb FTE	Amount		Direct/ Reimb FTE	Amount		Direct/ Reimb FTE	Amount		Direct/ Reimb FTE	Amount		Direct/ Reimb FTE	Amount	
Goal 2 Prevent Crime, Protect the Rights of the American People, and enforce Federal Law																		
2.5 Promote and protect Americans' civil rights.	677	144,500		659	145,304		658	146,733		43	8,500		0	0		701	155,233	
	877	144,500		859	145,384		858	146,733		43	8,500		0	0		701	155,233	
TOTAL	877	144,500		859	145,384		858	146,733		43	8,500		0	0		701	155,233	

Note: Excludes Balance Recission and/or Supplemental Appropriations.

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 10) (c).

E. Justification for Technical and Base Adjustments

Justifications for Technical and Base Adjustments

Civil Rights Division
Salaries and Expenses
(Dollars in Thousands)

Technical Adjustments	Direct Pos.	Estimate FTE	Amount
1 Adjustment - 2013.CR.0.612%: PL 112-175 section 101 (c) provided 0.612% across the board increase above the current rate for the 2013 CR funding level. This adjustment reverses this increase.	0	0	-984
Transfers			-884
1 JCON and JCON STTS: A transfer of \$377,000 is included in support of the Department's Justice Consolidated Office Network (JCON) and JCON STTS programs which will be moved to the Working Capital Fund and provided as a billable service in FY 2014.	0	0	377
2 Office of Information Policy (OIP): A transfer of \$50,000 from the Civil Rights Division to OIP is included to centralize appropriated funding and eliminate the current reimbursable financing process. The centralization of the funding is administratively advantageous because it eliminates the paper-intensive reimbursement process.	0	0	-50
3 Office of Tribal Justice (OTJ): One position and \$261,000 will be transferred from the Civil Rights Division to the General Administration appropriation to provide permanent appropriated funding for the Office of Tribal Justice.	-1	-1	-261
4 Professional Responsibility Advisory Office (PRAO): A transfer of \$131,000 from the Civil Rights Division to PRAO is included to centralize appropriated funding and eliminate the current reimbursable financing process. The centralization of the funding is administratively advantageous because it eliminates the paper-intensive reimbursement process.	-1	-1	-131
Pay and Benefits			-65
1 2014 Pay Raise: This request provides for a proposed 1 percent pay raise to be effective in January of 2014. This increase only includes the general pay raise. The amount requested, \$667,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$466,900 for pay and \$200,100 for benefits).	3	0	667
2 Annualization of 2013 Pay Raise: This pay annualization represents first quarter amounts (October through December) of the 2013 pay increase of 0.6% included in the 2013 President's Budget. The amount requested, \$120,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$84,000 for pay and \$36,000 for benefits).	0	0	120
3 Employee Compensation Funds: The \$77,000 request reflects anticipated changes in payments to the Department of Labor for injury benefits under the Federal Employee Compensation Act.	0	0	-7
4 Health Insurance: Effective January 2014, the component's contribution to Federal employees' health insurance increases by 6.5 percent. Applied against the 2013 estimate of \$4,021,000, the additional amount required is \$166,000.	0	0	166

E. Justification for Technical and Base Adjustments

Justifications for Technical and Base Adjustments

Civil Rights Division
Salaries and Expenses
(Dollars in Thousands)

	Direct Pos.	Estimate FTE	Amount
5 Retirement: Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 1.3 percent per year. The requested increase of \$82,000 is necessary to meet our increased retirement obligations as a result of this conversion.			82
Domestic Rent and Facilities 1 Guard Services: This includes Department of Homeland Security (DHS) Federal Protective Service charges, Justice Protective Service charges and other security services across the country. The requested increase of \$353,000 is required to meet these commitments.	0	0	1,028
2 Moves (Lease Expirations): GSA requires all agencies to pay relocation costs associated with lease expirations. This request provides for the costs associated with new office relocations caused by the expiration of leases in FY 2014.	0	0	353
Subtotal Domestic Rent and Facilities	0	0	917
TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS	-1	-1	1,270
			1,349

Crosswalk of 2012 Availability
Civil Rights Division
Salaries and Expenses
(Dollars in Thousands)

Program Activity	2012 Appropriation Enacted w/o Balance Rescission			Balance Rescission			Reprogramming/Transfers			Carryover		Recoveries/ Refunds		2012 Actual		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Amount	Amount	Amount	Amount	Direct Pos.	Actual FTE	Amount
Civil Rights Division	715	648	144,500	0	0	0	0	0	0	0	0	0	0	715	648	144,500
Total Direct	715	648	144,500	0	0	0	0	0	0	0	0	0	0	715	648	144,500
Reimbursable FTE		29			0			0							29	
Total Direct and Reimb. FTE		677			0			0							677	
Other FTE: LEAP		0			0			0							0	
Overtime		4			0			0							4	
Grand Total, FTE		681			0			0							681	

Crosswalk of 2013 Availability
Civil Rights Division
Salaries and Expenses
(Dollars in Thousands)

Program Activity	FY 2013 Continuing Resolution*			Supplemental Appropriation			Reprogramming/Transfers			Carryover		Recoveries/Refunds		2013 Availability		
	Direct Pos.	Estim. FTE	Amount	Amount	Direct Pos.	Estim. FTE	Amount	Amount	Amount	Amount	Direct Pos.	Estim. FTE	Amount	Direct Pos.	Estim. FTE	Amount
Civil Rights Division	715	630	145,384		0	0	0	0	0	0	715	630	145,384			
Total Direct	715	630	145,384		0	0	0	0	0	0	715	630	145,384			
Balance Rescission																
Total Direct with Rescission			145,384													
Reimbursable FTE		29				0		0	0	0		29				
Total Direct and Reimb. FTE		659				0		0	0	0		659				
Other FTE:		0				0						0				
LEAP																
Overtime		4				0						4				
Grand Total, FTE		663				0		0	0	0		663				

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

Summary of Reimbursable Resources
 Civil Rights Division
 Salaries and Expenses
 (Dollars in Thousands)

Collections by Source	2012 Actual		2013 Planned		2014 Request		Increase/Decrease	
	Reimb. Pos.	FTE	Reimb. Pos.	FTE	Reimb. Pos.	FTE	Reimb. Pos.	FTE
BOP	10	1,105	10	1,200	10	1,260		60
FBI		715		730		767		37
DEA		197		175		184		9
EOUSA		572		354		372		18
USMS		175		80		84		4
CRS		31		20		20		0
OIG		15		10		11		1
OJP		320		311		327		16
JMD		55		45		45		0
EOIR		50		50		53		3
ATF		158		158		158		0
ATR		5		5		5		0
HHS	19	5,325	19	6,800	19	4,118		-2,682
OVC/NAVC		43		42		42		0
VW/WEF		10		10		11		1
OARM		6		14		15		1
UPSC		21		0		0		0
NDIC		25		0		0		0
NSD		10		0		0		0
CFPB		0		82		82		0
OPM		0		93		93		0
DHS		0		10		10		0
Budgetary Resources	0	29	0	29	0	29	0	-2,532

Obligations by Program Activity	2012 Actual		2013 Planned		2014 Request		Increase/Decrease	
	Reimb. Pos.	FTE	Reimb. Pos.	FTE	Reimb. Pos.	FTE	Reimb. Pos.	FTE
HCFAC	19	5,325	19	6,800	19	4,118		-2,682
CAO	10	2,666	10	2,658	10	2,806		148
OJP	0	320	0	300	0	300		0
EOUSA	0	220	0	180	0	180		0
Other	0	307	0	251	0	253		2
Budgetary Resources	0	29	0	29	0	29	0	-2,532

i. Detail of Permanent Positions by Category

Detail of Permanent Positions by Category

Civil Rights Division
Salaries and Expenses
(Dollars in Thousands)

Category	2012 Appropriation Enacted		2013 Continuing Resolution		ATBs	2014 Request		Total Direct Pos.	Total Reimb. Pos.
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.		Program Increases	Program Offsets		
Miscellaneous Operations (010-099)	7	0	7	0	0	0	0	7	0
Economist (110)	0	0	0	0	0	0	0	0	0
Civil Rights Analyst (160)	16	0	16	0	0	2	0	2	0
Personnel Management (200-299)	11	0	11	0	0	2	0	18	0
Clerical and Office Services (300-399)	154	51	154	51	0	22	0	13	0
Accounting and Budget (500-599)	7	0	7	0	0	1	0	176	0
Architect (608)	10	0	10	0	0	0	0	8	0
Attorney (905)	384	24	384	24	-1	414	0	10	0
Paralegal / Other Law (900-998)	102	0	102	0	0	9	0	427	24
Information & Arts (1000-1099)	3	0	3	0	0	0	0	111	0
Mathematical Statistics (1529)	3	0	3	0	0	0	0	3	0
Information Technology Mgmt (2210)	18	0	18	0	0	3	0	6	0
Total	715	29	715	29	-1	85	0	799	29
Headquarters (Washington, D.C.)	715	29	715	29	-1	85	0	799	29
U.S. Field	0	0	0	0	0	0	0	0	0
Foreign Field	0	0	0	0	0	0	0	0	0
Total	715	29	715	29	-1	85	0	799	29

Financial Analysis of Program Changes
Civil Rights Division
Salaries and Expenses

Grades	Civil Rights Division						Total Program Changes	
	Civil Rights Enforcement		Financial Fraud		Police Misconduct		Direct Pos.	Amount
	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount		
GS-14	25	2,931	12	1,403	9	1,078	46	5,412
GS-13		0	1	89	0	0	1	89
GS-12	17	1,491	0	0	0	0	17	1,491
GS-11	4	264	0	0	6	396	10	660
GS-9	3	162	1	52	5	272	9	486
GS-7	1	42	1	42	0	0	2	84
Total Positions and Annual Amount	50	4,890	15	1,586	20	1,746	85	8,222
Lapse (-)	-25	-2,445	-8	-793	-10	-873	-43	-4,111
11.5 Other Personnel Compensation		0		1		0		1
Total FTEs and Personnel Compensation	25	2,445	8	794	10	873	43	4,112
12.0 Personnel Benefits		664		215		272		1,151
21.0 Travel and Transportation of Persons		156		51		69		276
22.0 Transportation of Things		16		5		7		28
23.2 Rental Payments to Others		31		9		12		52
23.3 Communications, Utilities, and Miscellaneous Charges		12		3		4		19
24.0 Printing and Reproduction		22		8		9		39
25.1 Advisory and Assistance Services		243		0		174		417
25.2 Other Services from Non-Federal Sources		563		140		61		764
25.3 Other Goods and Services from Federal Sources		20		6		83		109
25.7 Operation and Maintenance of Equipment		12		4		5		21
26.0 Supplies and Materials		53		16		21		90
31.0 Equipment		462		137		186		785
32.0 Land and Structures		373		112		152		637
Total Program Change Requests	25	5,072	8	1,500	10	1,928	43	8,500

K. Summary of Requirements by Grade

Summary of Requirements by Grade

Civil Rights Division
Salaries and Expenses
(Dollars in Thousands)

Grades and Salary Ranges		2012 Enacted		2013 Continuing Resolution		2014 Request		Increase/Decrease	
		Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount
EX	\$ 145,700 - 199,700	1	133	1	133	1	135	0	2
SES/SL	\$ 119,554 - 179,700	21	3,142	21	3,157	21	3,189	0	32
GS-15	\$ 123,758 - 155,500	328	45,789	328	46,018	327	46,334	-1	316
GS-14	\$ 105,211 - 136,771	72	8,712	72	8,756	118	14,492	46	5,736
GS-13	\$ 89,033 - 115,742	80	8,192	80	8,233	81	8,419	1	186
GS-12	\$ 74,872 - 97,333	35	3,014	35	3,029	52	4,544	17	1,515
GS-11	\$ 62,467 - 81,204	56	4,021	56	4,041	66	4,810	10	769
GS-10	\$ 56,857 - 73,917	4	262	4	263	4	266	0	3
GS-9	\$ 51,630 - 67,114	36	2,135	36	2,145	45	2,709	9	564
GS-8	\$ 46,745 - 60,765	15	807	15	811	15	819	0	8
GS-7	\$ 42,209 - 54,875	34	1,649	34	1,657	36	1,772	2	115
GS-6	\$ 37,983 - 49,375	4	175	4	176	4	177	0	1
GS-5	\$ 37,075 - 44,293	4	163	4	164	4	165	0	1
GS-4	\$ 30,456 - 39,590	9	315	9	317	9	320	0	3
GS-3	\$ 27,130 - 35,269	9	281	9	282	9	285	0	3
GS-2	\$ 24,865 - 31,292	7	197	7	198	7	200	0	2
Total, Appropriated Positions		715	78,987	715	79,380	799	88,636	84	9,256
Average SES Salary			163,795		164,614		165,437		
Average GS Salary			109,268		109,268		108,191		
Average GS Grade			13		13		13		

L. Summary of Requirements by Object Class

Summary of Requirements by Object Class
 Civil Rights Division
 Salaries and Expenses
 (Dollars in Thousands)

Object Class	2012 Actual		2013 Availability*		2014 Request		Increase/Decrease	
	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 Full-Time Permanent	587	65,683	569	66,426	606	71,011	39	4,585
11.3 Other than Full-Time Permanent	57	6,648	57	6,649	60	6,649	3	0
11.5 Other Personnel Compensation	4	730	4	730	4	783	0	53
Overtime	0	0	0	0	0	0	0	0
Other Compensation	0	0	0	0	0	0	0	0
11.8 Special Personal Services Payments	0	745	0	0	0	0	0	0
Total	648	73,806	630	73,805	672	78,443	42	4,638
Other Object Classes								
12.0 Personnel Benefits		19,960		19,961		21,353		1,392
13.0 Benefits for former personnel		0		0		0		0
21.0 Travel and Transportation of Persons		3,090		3,090		3,566		276
22.0 Transportation of Things		628		628		656		28
23.1 Rental Payments to GSA		16,253		17,842		17,842		52
23.2 Rental Payments to Others		383		374		725		342
23.3 Communications, Utilities, and Miscellaneous Charges		2,274		2,283		2,355		71
24.0 Printing and Reproduction		220		220		359		139
25.1 Advisory and Assistance Services		4,462		4,462		4,899		437
25.2 Other Services from Non-Federal Sources		13,453		14,343		14,600		247
25.3 Other Goods and Services from Federal Sources		7,550		7,542		7,823		273
25.4 Operation and Maintenance of Facilities		56		56		66		10
25.5 Research and Development Contracts		0		0		0		0
25.6 Medical Care		62		70		70		8
25.7 Operation and Maintenance of Equipment		91		91		112		21
25.8 Subsistence and Support of Persons		0		0		0		0
26.0 Supplies and Materials		392		392		482		90
31.0 Equipment		1,505		205		785		580
32.0 Land and Structures		0		0		1,554		1,554
41.0 Grants, Subsidies, and Contributions		0		0		0		0
42.0 Insurance Claims and Indemnities		0		0		0		0
Total Obligations		144,487		145,384		155,233		9,849
Subtract - Unobligated Balance, Start-of-Year		0		0		0		0
Subtract - Transfers/Reprogramming		0		0		0		0
Subtract - Recoveries/Refunds		0		0		0		0
Add - Unobligated End-of-Year, Available		0		0		0		0
Add - Unobligated End-of-Year, Expiring		13		0		0		13
Total Direct Requirements	0	144,500	0	145,384	0	155,233	0	9,849
Reimbursable FTE	29		29		29		0	
Full-Time Permanent								
23.1 Rental Payments to GSA (Reimbursable)		183		184		184		1
25.3 Other Goods and Services from Federal Sources - DHS Security (Reimbursable)		12		12		365		353

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

INTERNATIONAL CRIMINAL POLICE ORGANIZATION

**INTERPOL WASHINGTON
U.S. NATIONAL CENTRAL BUREAU**

**U.S. DEPARTMENT OF JUSTICE
WASHINGTON, D.C.**

FY 2014 PERFORMANCE BUDGET

CONGRESSIONAL SUBMISSION

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INTERPOL Washington FY2014 Congressional Submission

I. Overview for INTERPOL Washington, the U.S. National Central Bureau

A. Introduction

In FY 2014, INTERPOL Washington, the U.S. National Central Bureau, requests a total of \$29,844,000.00, 69 FTE, and 77 positions to prevent crime, enforce federal laws and prevent terrorism. This request includes an Adjustment to Base (ATB) increase of \$90,000. With these resources, INTERPOL Washington will be able to continue our efforts in cases related to terrorism, violent crime, drug trafficking, and cybercrime. Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address:
<http://www.justice.gov/02organizations/bpp.htm>.

B. Background

INTERPOL Washington, the United States National Central Bureau, is the statutorily-designated representative to the International Criminal Police Organization (INTERPOL) on behalf of the Attorney General.^[1] Pursuant to its statutory authority, INTERPOL Washington's primary functions are to facilitate international law enforcement cooperation; transmit information of a criminal justice, humanitarian, or other law enforcement related nature between domestic and foreign law enforcement agencies in INTERPOL member countries, and coordinate and integrate information in investigations of an international nature.

As the National Central Bureau for the United States, INTERPOL Washington is authorized unrestricted access to INTERPOL's secure, encrypted communications network, as well as its entire array of investigative databases. Populated with millions of records contributed by INTERPOL's 190 member countries, these databases contain vital investigative information on international fugitives; stolen and lost travel documents; stolen administrative documents; missing persons; unidentified bodies; images of child sexual abuse, and other matters of investigative interest. This capability facilitates law enforcement interaction in real time on investigative matters ranging from simple criminal history checks to the sharing of sensitive criminal intelligence and investigative leads targeting transnational organized crime groups.

In addition, INTERPOL Washington is exclusively responsible for securing the publication of INTERPOL Notices – a system of international lookouts or advisories used to assist law enforcement authorities in locating fugitives, identifying suspects, and other investigative purposes – on behalf of U.S. law enforcement agencies, and for ensuring that such Notices published on behalf of other member countries are entered and maintained in U.S. indices including NCIC and TECS. INTERPOL Washington also supports the exchange of international humanitarian assistance requests involving such matters as threatened suicides, death

^[1] 22 U.S.C. 263a; Title 28 C.F.R. Subpart F-2 § 0.34

notifications, and health and welfare checks on U.S. citizens overseas, as well as foreign nationals in the U.S.

Operating 24/7/365, INTERPOL Washington is solely dedicated and equipped to assist the more than 18,000 US law enforcement agencies and their foreign counterparts in overcoming the very real cultural, linguistic, and legal barriers that complicate the exchange of criminal investigative information and support across national administrations and boundaries – including situations where diplomatic relations may not exist. Even for U.S. law enforcement agencies with a well-developed international criminal investigative presence, INTERPOL Washington's services are *complementary*, not competitive or duplicative.

In all instances, INTERPOL Washington serves to coordinate U.S. law enforcement actions and responses, ensuring that it is consistent with U.S. interests and law, as well as INTERPOL policies, procedures, and regulations. This includes strict adherence to Article 3 of the INTERPOL Constitution, which expressly forbids the Organization to “...undertake any intervention or activities of a political, military, religious or racial character.”

C. Challenges

The Administration's *National Security Strategy* explicitly recognizes that transnational crime is a serious and growing threat to public safety and national security. Similarly, the *Worldwide Threat Assessment of the US Intelligence Community* cites transnational organized crime as “...an abiding threat to US economic and national security interests...”^[2] Of particular concern, both documents point to an increasing convergence between transnational crime and terrorism. In order to combat these threats, the United States government is seeking to integrate elements from within the homeland security and national security mission spaces into a whole-of-government approach designed to disrupt, defeat, and dismantle transnational criminal and terrorist organizations.^[3]

INTERPOL Washington, a component of the Department of Justice, is co-managed by the Department of Homeland Security. Consequently, its mission encompasses a broad spectrum of activities and responsibilities that support the effective administration of justice and security of the homeland – an end-state that fully reflects the Administration's strategic approach to combating transnational criminal threats. In carrying out these wide-ranging responsibilities, INTERPOL Washington utilizes a highly integrated, multi-sector workforce that includes analysts and agents detailed to it from both DOJ and DHS: the FBI, DEA, ATF, U.S. Marshals Service, ICE Homeland Security Investigations, U.S. Customs and Border Protection, U.S. Border Patrol, and the United States Secret Service, among others.

This request identifies specific outcome-based, strategic mission objectives that will continue to advance the mission of INTERPOL Washington. Achieving these objectives will move this agency toward fulfilling its statutory mandate to secure greater cooperation and share information among law enforcement organizations throughout the world.

^[2] Unclassified Statement for the Record on the *Worldwide Threat Assessment of the US Intelligence Community* for the Senate Select Committee on Intelligence, James R. Clapper, Director of National Intelligence, January 31, 2012

^[3] *National Security Strategy*, p.15

D. Full Program Costs

INTERPOL Washington is one decision unit, and all requested funds must sustain operations that support DOJ's key priorities, as well as those of DHS and INTERPOL. Therefore, each performance objective is linked with the costs of critical strategic actions that necessarily reflect the diverse requirements of all three organizations. Moreover, through its on-going communications with its domestic and foreign counterparts, INTERPOL Washington continues to identify service gaps and emerging needs that will require additional investment.

Resources for each Strategic Goal and Objective that INTERPOL Washington supports are provided. The total costs include the following:

- Operating costs
 - The direct costs of all outputs, and
 - Common administrative systems
- Indirect costs
 - Contribution of U.S. dues to INTERPOL

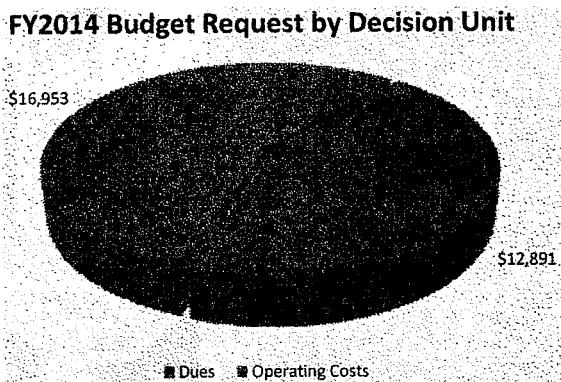


Figure 1

Both performance and resource tables define the total cost of achieving the strategies INTERPOL Washington will implement in FY 2014. Also included are the indirect costs of continuing activities, which are central to the operations of INTERPOL Washington.

E. Performance Challenges

The challenges that impede progress toward achieving the strategic goals of DOJ and DHS are complex and ever-changing. Developments in technology, enforcement priorities, and shifting patterns of criminal behavior are only a few factors that impact law enforcement practices and pose challenges that demand attention. The following challenges are among those that

INTERPOL Washington views as highly significant, and as having the greatest potential to impact its budget, operations, and resources.

External Challenges: The unprecedented growth of transnational criminal and terrorist organizations has created a corresponding demand for international law enforcement cooperation and access to law enforcement information worldwide. Consequently, INTERPOL Washington's requirement to respond to all requests for assistance from its domestic and international law enforcement partners continues to place substantial and increasing demands on its fiscal and operational resources. INTERPOL Washington anticipates that the volume of requests for assistance will continue to increase as its outreach efforts and information technology initiatives develop and take hold.

- Member countries expansion of INTERPOL databases to border points has led to a significant increase in cases and message traffic across the network (Figure 2).

**Number of Cases
2002-2012**

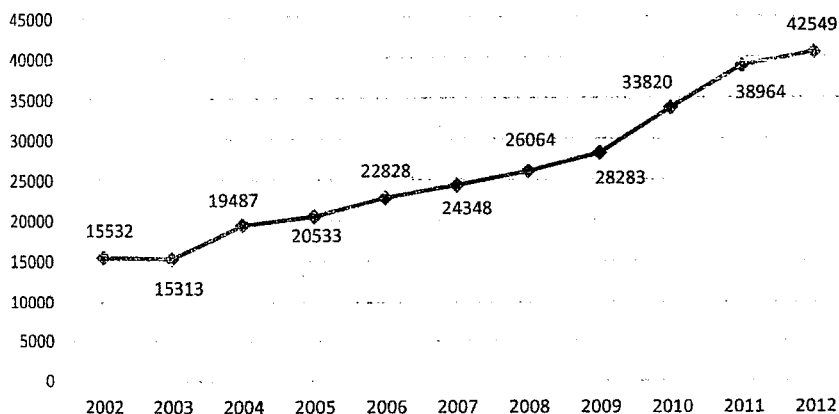


Figure 2

- INTERPOL has ceased translating all messages - especially noteworthy are notices and diffusions. As a consequence, INTERPOL Washington will have to absorb the cost of translating diffusions, notices, and other INTERPOL message traffic.
- INTERPOL Washington receives no funding from participating agencies for operating expenses for their detailed personnel.
- Enhancing U.S. domestic agencies' access to INTERPOL databases involves a number of technical, administrative, and legal agreements that are slow to implement.

- Federal, state, local and municipal law enforcement agencies are not taking full advantage of important information and communications tools available through INTERPOL Washington.

Funding U.S. Dues to the INTERPOL Organization

Under the current INTERPOL dues structure, six countries with the largest Gross Domestic Product (GDP) pay the highest annual dues. Of these six countries, the U.S. pays the greatest percentage. Moreover, in 2010, the INTERPOL General Assembly (GA) adopted a plan to incrementally increase its Dues Statutory Contribution budget for the years 2011 through 2013, at a rate of increase of 2.1 percent per year.

**U.S Statutory Contribution as
Percentage of INTERPOL Statutory Contributions**

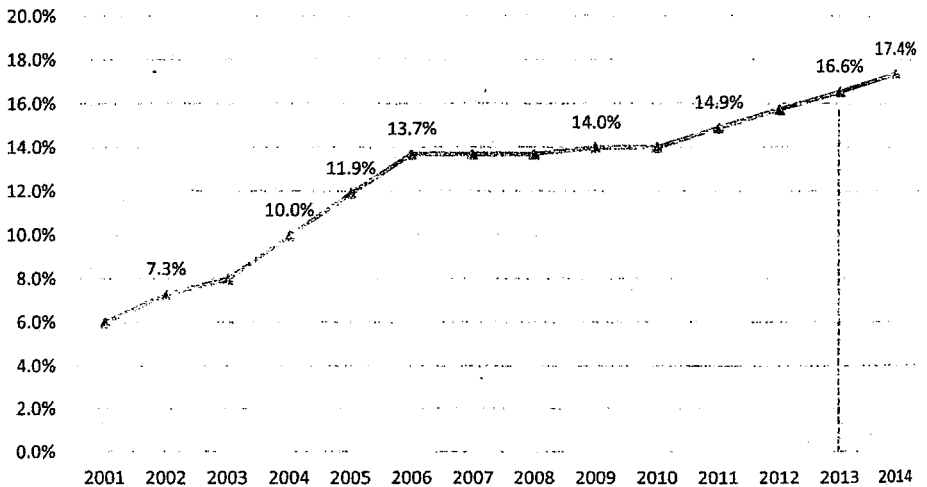


Figure 3

The U.S. dues contribution is paid in Euros (€) from INTERPOL Washington's budget, and has increased from €1.23 million in 2001 to €8.48 million in 2013. The dues contribution, as paid in U.S. dollars in 2012, represents 40.3% of INTERPOL Washington's entire annual budget. Moreover, the increase currently proposed by the GA will raise the U.S. dues contribution to €9.8 million by 2014, assuming that INTERPOL's budget increases are consistent with inflationary rates. At the current currency conversion rate, INTERPOL Washington's statutory dues could amount to \$12.9 million, or 43% of the entire INTERPOL Washington appropriation.

INTERPOL has indicated that it will seek additional annual increases to its budget above the standard inflationary rate, as it has done consistently since the terrorist attacks of 9/11. The effect of these annual increases may be further compounded by the value of the U.S. dollar relative to the Euro, which impacts INTERPOL Washington's ability to pay its dues commitment at either an advantageous or disadvantageous rate of exchange.

Internal Challenges: INTERPOL Washington faces many internal challenges in FY 2014, primarily in regards to its analytical capacity and Information Technology (IT) infrastructure. These challenges also present INTERPOL Washington with considerable risks, such as an over-reliance on contractors in key analytical and IT positions. This practice makes INTERPOL Washington susceptible to factors such as annual contract renewals, and the challenges are exacerbated by an increase in the volume of information and data received from foreign and domestic law enforcement partners as a result of outreach efforts. This increase in volume has significantly outpaced INTERPOL Washington's analytical capabilities, resulting in costly delays and backlogs.

A foreseeable shortage of analytical and IT staff exists, as approximately 25 percent of INTERPOL Washington's permanent workforce will be eligible to retire over the next three to four years. With an additional 28 percent of its workforce detailed from domestic law enforcement partner agencies, INTERPOL Washington's total staffing level is now *lower* than the period immediately following the terrorist attacks of 9/11. To mitigate the skills gap that may result from the retirement of its employees and the turnover of detailees, INTERPOL Washington must further develop the tools necessary to recruit, hire, train, and retain qualified applicants. In response to this urgent business requirement, INTERPOL Washington conducted a comprehensive assessment of its human capital and information technology program, which resulted in the publication of human capital, IT, and mission strategic plans to guide the organization through 2016.

F. Environmental Management System

INTERPOL Washington will continue to implement its agency-wide Environmental Management System. This organization has adopted a policy whereby INTERPOL Washington personnel incorporate environmental stewardship into their decision-making and day-to-day activities. The policy mandates *inter alia*:

- Incorporation of environmental management principles into planning and budget preparation
- Promotion and encouragement for all employees to practice energy conservation, waste stream reduction, and recycling.
- Compliance with applicable federal, state, and local environmental laws and regulations.
- Identification and reporting to the agency leadership any unsafe working conditions or environmental concerns.

II. Appropriations Language and Analysis of Appropriations Language

Appropriations Language

No changes proposed. Please refer to the General Legal Activities Consolidated Justifications.

Analysis of Appropriations Language

No substantive changes proposed.

III. Decision Unit Justification

Key INTERPOL Washington budget data for FY 2011-2013 is provided in the tables below:

A. INTERPOL WASHINGTON

INTERPOL Washington TOTAL	Perm. Pos.	FTE	Amount
2012 Enacted	77	67	29,754
2013 Continuing Resolution	77	69	29,936
Adjustment to Base	0	0	90
2014 Current Service	77	69	29,844
2014 Program Increases	0	0	0
2014 Program Offsets	0	0	0
2014 Request	77	69	29,844
Total Change 2012-2014	0	0	90

1. Program Description

INTERPOL is the world's largest international police organization and coordinates information sharing between its 190 member countries, providing a neutral venue where jurisdictions and mandates are interwoven to permit cooperation and assistance in combating international crime. INTERPOL Washington, the U.S. National Central Bureau, facilitates international law enforcement cooperation by serving as a police-to-police communications and intelligence network for both American and foreign police seeking assistance in criminal investigations. INTERPOL Washington initiates and responds to criminal investigative requests; transmits national requests for international cooperation; facilitates requested police actions or operations; and, collects, analyzes, and shares relevant criminal intelligence.

1. Performance and Resources Tables

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: INTERPOL Washington											
DOJ Strategic Goal/Objective: 2.1 Combat the threat, incidence, and prevalence of violent crime. 2.2 Prevent and intervene in crimes against vulnerable populations; uphold the rights of, and improve services to, America's crime victims.											
WORKLOAD/ RESOURCES		Final Target	Actual	Projected	Changes	Requested (Total)					
		FY 2012	FY 2012	FY 2013	Current Services Adjustments and FY 2014 Program Change	FY 2014 Request					
New cases initiated		34,936	42,549	42,974	854	43,403					
Number of TECS/NCIC "look-outs" entered/updated		17,288	20,720	21,756	1,048	21,786					
U.S. requested INTERPOL Notices issued		972	1,818	1,506	-237	1,581					
Number of INTERPOL Diffusions Issued		474	595	436	91	676					
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		FTE \$000	FTE \$000	FTE \$000	FTE \$000	FTE \$000					
		29,754 [N/A]	29,754 67 [N/A]	29,936 69 [N/A]	90 0 [N/A]	29,844 69 [N/A]					
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2011	FY 2011	FY 2012 President's Budget	Current Services Adjustments and FY 2013 Program	FY 2013 Request					
Program Activity	International Investigative Assistance	FTE \$000	FTE \$000	FTE \$000	FTE \$000	FTE \$000					
		29,754 [N/A]	29,754 67 [N/A]	29,936 69 [N/A]	90 0 [N/A]	29,844 69 [N/A]					
Performance Measure	Number of "lookouts" issued to domestic and foreign law enforcement agencies on INTERPOL wanted/missing persons and suspects within 48 hours	7,739	8,036	8,356	738	8,774					
Performance Measure	Number of locates on fugitives obtained through database queries or lead information provided by a foreign NCB	374	439	436	10	449					
OUTCOME	Arrests, extraditions, and deportations on INTERPOL Notices/Diffusions with a U.S. nexus	136	165	160	3	168					
Data Definition, Validation, Verification, and Limitations: TECS/NCIC "lookouts" are defined as records created by the USNCB in the Department of Homeland Security's Treasury Enforcement Communications System and the Federal Bureau of Investigation's National Crime Information Center system. Both systems are checked at U.S. border entry points. By placing the entries, the USNCB is able to alert U.S. law enforcement to international wanted persons who may attempt to enter the U.S. The USNCB considers "locales" to be the identification, through queries or lead information provided by another country, of a potential address or location of a wanted fugitive. USNCB Workload and Performance data is collected from the USNCB Envoy system and the INTERPOL General Secretariat. Data is validated through manual random sampling. A continuing data limitation is the fact that USNCB is sometimes left out of the information loop once a fugitive is located and/or arrested by national authorities, making it difficult to track and report final outcome. The USNCB continues to make improvements to its statistical reporting.											

PERFORMANCE MEASURE TABLE

Decision Unit: INTERPOL Washington

Performance Report and Performance Plan Targets		FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012		FY 2013	FY 2014
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Performance Measure	Number of lookouts within 48 hours	4,188	4,575	4,932	6,310	7,587	8,882	7,739	8036	8356	8774
Performance Measure	Number of locates on fugitives obtained through database queries or lead information provided by foreign NCBs										
OUTCOME Measure	Arrests, extraditions, and deportations on INTERPOL Notices/Diffusions with a U.S. nexus	312	431	410	461	374	390	374	439	436	4409
		N/A	N/A	N/A	128	143	146	136	165	160	168

N/A = Data unavailable

* Denotes inclusion in the DOJ Annual Performance Plan

2. Performance, Resources, and Strategies

a. Performance Plan and Report Outcomes

INTERPOL Washington will support DOJ's strategic priorities by executing the following functions:

- Coordinating arrangements for payment of mandatory INTERPOL member dues;
- Communicating and exchanging information between international and domestic law enforcement agencies;
- Ensuring that the interests of the United States are represented to the international law enforcement community;
- Identifying trends and patterns in international criminal activity;
- Providing leadership and expertise at global law enforcement symposia, conferences, and meetings;
- Ensuring access to INTERPOL data for U.S. federal, state, local, and tribal law enforcement agencies, and,
- Championing the greater use by U.S. federal, state, local, and tribal law enforcement agencies of information and communication tools through INTERPOL Washington.

INTERPOL Washington will continue to facilitate cooperation among foreign and domestic law enforcement by making it easier to obtain information and evidence needed to pursue fugitives and track criminal activity by leveraging authorized and existing information sharing environments.

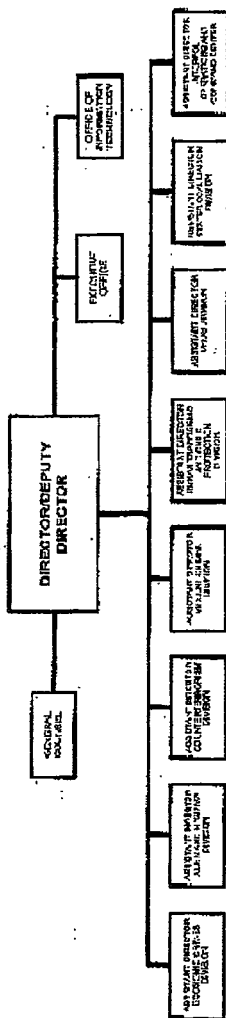
b. Strategies to Accomplish Outcomes

INTERPOL Washington has formed strategic partnerships with U.S. law enforcement agencies that have assigned agents to INTERPOL Washington to initiate and respond to international inquiries. INTERPOL Washington further participates in such international law enforcement initiatives as: Fusion Task Force (provides link analysis on terrorist groups and individuals); Human Trafficking Programs; Project Rockers (International Outlaw Motorcycle Gangs); Project Geiger (radiological materials); Project Cargo Net (maritime piracy); International Stolen Motor Vehicle Program; Cultural Antiquities Program; Stolen/Lost Travel Documents Program; International Child Sexual Exploitation Program, and the INTERPOL Bioterrorism Program. The Notice and Diffusion program builds member countries' capacity to rapidly identify and arrest known and internationally wanted individuals leading to their eventual extradition, deportation or prosecution.

INTERPOL Washington will also continue to use its expertise to assist in halting international parental abductions in progress, pursue child abductors, and locate child victims.

Through INTERPOL, every law enforcement agency in the United States can contact police, customs, and immigration authorities in 189 other member countries. The anticipated outcome is the reduction of crime domestically and internationally.

INTERPOL WASHINGTON
U.S. National Central Bureau



Approved by:  T. T. T. T. T.

B. Summary of Requirements

Summary of Requirements
INTERPOL WASHINGTON
 Salaries and Expenses
 (Dollars in Thousands)

	FY 2014 Request	
	Direct Pos.	Estimate FTE Amount
2012 Enacted	77	67 29,754
2013 Continuing Resolution	77	69 29,754
2013 CR 0.612% Increase		182
Total 2013 Continuing Resolution	77	69 29,936
Technical Adjustments		
Adjustment - 2013 CR 0.612%	0	0 -182
Total Technical Adjustments	0	0 -182
Base Adjustments		
Transfers:		
JCON and JCON S/TS - To Components	0	0 41
Office of Information Policy (OIP) - From Components	0	0 -29
Pay and Benefits	0	0 87
Domestic Rent and Facilities	0	0 -9
Total Base Adjustments	0	0 90
Total Technical and Base Adjustments	0	0 -92
2014 Current Services	77	69 29,844
Total Program Changes	0	0 0
2014 Total Request	77	69 29,844
2014 Total Request	77	69 29,844
2012 - 2014 Total Change	0	0 90

Note: The FTE for FY 2012 is Actual and for FY 2013 and FY 2014 are estimates

B. Summary of Requirements

Summary of Requirements
INTERPOL WASHINGTON
Salaries and Expenses
(Dollars in Thousands)

Program Activity	2012 Appropriation Enacted			2013 Continuing Resolution			2014 Technical and Base Adjustments			2014 Current Services		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
INTERPOL WASHINGTON	77	67	29,754	77	69	29,936	0	0	-92	77	69	29,844
Total Direct	77	67	29,754	77	69	29,936	0	0	-92	77	69	29,844
Balance Rescission			0			0						0
Total Direct with Rescission			29,754			29,936			-92			29,844
Total Direct and Reimb. FTE		67			69						69	
Overline		0			0						0	
Grand Total, FTE		67			69						69	

Program Activity	2014 Increases			2014 Offsets			2014 Request		
	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
INTERPOL WASHINGTON	0	0	0	0	0	0	77	69	29,844
Total Direct	0	0	0	0	0	0	77	69	29,844
Total Direct with Rescission			0			0			29,844
Total Direct and Reimb. FTE		0			0			69	
Grand Total, FTE		0			0			69	

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101(c)).

Resources by Department of Justice Strategic Goal/Objective
INTERPOL WASHINGTON
Salaries and Expenses
(Dollars in Thousands)

Strategic Goal and Strategic Objective	2012 Appropriation Enacted			2013 Continuing Resolution			2014 Current Services			2014 Increases			2014 Offsets			2014 Total Request		
	Direct/ Reimb FTE	Amount		Direct/ Reimb FTE	Amount		Direct/ Reimb FTE	Amount		Direct/ Reimb FTE	Amount		Direct/ Reimb FTE	Amount		Direct/ Reimb FTE	Amount	
Goal 2 Prevent Crime, Protect the Rights of the American People, and Recruit and Retain Law Enforcement Personnel																		
2.1 Combat the threat, incidence, and prevalence of violent crime.	53	26,145		57	28,305		57	26,324		3			3			57	26,324	
2.2 Prevent and intervene in crimes against vulnerable or violent crime.	14	3,609		12	3,631		12	3,620		0			0			12	3,620	
	67	29,754		69	29,936		69	29,944		0			0			69	29,944	
Subtotal, Goal 2	0	0		0	0		0	0		0			0			0	0	
Subtotal, Goal 3	0	0		0	0		0	0		0			0			0	0	
TOTAL	67	29,754		69	29,936		69	29,944		0			0			69	29,944	

Note: Excludes Balance Rescission and/or Supplemental Appropriations
The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c))

E. Justification for Technical and Base Adjustments

Justifications for Technical and Base Adjustments

INTERPOL WASHINGTON

Salaries and Expenses

(Dollars in Thousands)

	Direct Pos.	Estimate FTE	Amount
Technical Adjustments			
1 Adjustment - 2013 CR 0.612%; PL 112-175 section 101 (c) provided 0.612% across the board increase above the current rate for the 2013 CR funding level. This	0	0	-182
Transfers			
1 JCON and JCON SITS. A transfer of \$40,769 is included in support of the Department of Justice Consolidated Office Network (JCON) and JCON SITS programs which will be moved to the Working Capital Fund and provided as a billable service in FY 2013.	0	0	-182
2 Office of Information Policy. The component transfers for the Office of Information Policy (OIP) into the General Administration	0	0	41
Subtotal, Transfers	0	0	-29
Pay and Benefits			
1 2014 Pay Raise: This request provides for a proposed 1 percent pay raise to be effective in January of 2014. The amount request, \$62,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$43,400 for pay and \$18,600 for benefits.)			62
2 Annualization of 2013 Pay Raise: This pay annualization represents first quarter amounts (October through December) of the 2013 pay increase of 0.5% included in the 2013 President's Budget. The amount requested \$11,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$ 7,700 for pay and \$3,300 for benefits).			11
4 Retirement: Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 1.3 percent per year. The requested increase of \$14,000 is necessary to meet our increased retirement obligations as a result of this conversion.			14
Subtotal, Pay and Benefits	0	0	87
Domestic Rent and Facilities			
1 General Services Administration (GSA) Rent: GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$9,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of an automated system, which uses the latest inventory data, including rate increases to be effective FY 2014 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied. GSA provides data on the rate increases.			9
2 Guard Services: This includes Department of Homeland Security (DHS) Federal Protective Service charges. Justice Protective Service charges and other security services across the country. The requested increase of \$-17,000 is required to meet these commitments.			-17
Subtotal, Domestic Rent and Facilities	0	0	-9
TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS	0	0	-92

Crosswalk of 2012 Availability
INTERPOL WASHINGTON
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	2012 Appropriation Enacted			Balance Reclamation			Reprogramming/Transfers			Carryover		Recoveries/Refunds		2012 Actual	
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Amount	Amount	Amount	Direct Pos.	Actual FTE	Amount
INTERPOL WASHINGTON	77	87	29,754	0	0	0	0	0	0	0	0	0	0	67	29,754
Total Direct	77	87	29,754	0	0	0	0	0	0	0	0	0	0	67	29,754
Reimbursable FTE		0			0			0						0	
Total Direct and Reimb. FTE		87			0			0						67	
Other FTE															
LEAP		0			0			0						0	
Overline		0			0			0						0	
Grand Total FTE		87			0			0						67	

Reprogramming/Transfers

Carryover:

Recoveries/Refunds:

G. Crosswalk of 2013 Availability

Crosswalk of 2013 Availability
INTERPOL WASHINGTON
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2013 Continuing Resolution			Supplemental Appropriation Amount	Reprogramming/Transfers			Carryover Amount	Recoveries/Refunds Amount	2013 Availability		
	Direct Pos.	Estim. FTE	Amount		Direct Pos.	Estim. FTE	Amount			Direct Pos.	Estim. FTE	Amount
INTERPOL WASHINGTON	77	69	29,936		0	0	0	0	0	77	69	29,936
Total Direct	77	69	29,936		0	0	0	0	0	77	69	29,936
Total Direct with Rescission		0				0			0		0	
Reimbursable FTE		69				0			0		69	
Total Direct and Reimb. FTE												
Other FTE:		0				0			0		0	
LEAP		0				0			0		0	
Overtime		0				0			0		0	
Grand Total, FTE		69				0			0		69	

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

Reprogramming/Transfers

Carryover:

Recoveries/Refunds:

I. Detail of Permanent Positions by Category

Detail of Permanent Positions by Category
INTERPOL WASHINGTON
 Salaries and Expenses
 (Dollars in Thousands)

Category	2012 Appropriation Enacted		2013 Continuing Resolution		ATBs	2014 Request		Total Direct Pos	Total Reimb Pos
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.		Program Increases	Program Offsets		
Clerical and Office Services (300-399)	66	0	67	0	0	0	0	67	0
Accounting and Budget (500-599)	3	0	4	0	0	0	0	4	0
Attorneys (905)	1	0	1	0	0	0	0	1	0
Information & Arts (1000-1099)	2	0	1	0	0	0	0	1	0
Information Technology Mgmt. (2210)	5	0	4	0	0	0	0	4	0
Total	77	0	77	0	0	0	0	77	0
Headquarters (Washington, D.C.)	77	0	77	0	0	0	0	77	0
Total	77	0	77	0	0	0	0	77	0

K. Summary of Requirements by Grade

Summary of Requirements by Grade
INTERPOL WASHINGTON
 Salaries and Expenses
 (Dollars in Thousands)

Grades and Salary Ranges	2012 Enacted			2013 Continuing Resolution			2014 Request			Increase/Decrease	
	Direct Pos.	Amount		Direct Pos.	Amount		Direct Pos.	Amount		Direct Pos.	Amount
GS-15 \$ 123,758 - 155,500	3	0	4	0	0	4	0	0	0	0	0
GS-14 \$ 105,211 - 136,771	4	0	10	0	0	10	0	0	0	0	0
GS-13 \$ 89,033 - 115,742	12	0	14	0	0	14	0	0	0	0	0
GS-12 \$ 74,872 - 97,333	26	0	36	0	0	36	0	0	0	0	0
GS-11 \$ 62,467 - 81,204	27	0	7	0	0	7	0	0	0	0	0
GS-9 \$ 51,630 - 67,114	5	0	4	0	0	4	0	0	0	0	0
GS-7 \$ 42,209 - 54,875	0	0	1	0	0	1	0	0	0	0	0
GS-5 \$ 37,075 - 44,293	0	0	1	0	0	1	0	0	0	0	0
Total, Appropriated Positions	77	0	77	0	0	77	0	0	0	0	0
Average SES Salary		0			0			0			
Average GS Salary		74,000			75,000			75,000			
Average GS Grade		11			12			12			

L. Summary of Requirements by Object Class

Summary of Requirements by Object Class
INTERPOL WASHINGTON
Salaries and Expenses
(Dollars in Thousands)

Object Class	2012 Actual		2013 Availability		2014 Request		Increase/Decrease	
	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 Full-Time Permanent	67	5,850	69	6,187	69	6,187	0	-20
11.3 Other than Full-Time Permanent	0	0	0	0	0	0	0	0
11.5 Other Personnel Compensation	0	157	0	258	0	235	0	-23
Overtime	0	0	0	0	0	0	0	0
Other Compensation	0	0	0	0	0	0	0	0
11.8 Special Personal Services Payments	0	-31	0	0	0	0	0	0
Total	67	6,026	69	6,445	69	6,402	0	-43
Other Object Classes								
12.0 Personnel Benefits	0	1,863	0	1,898	0	1,880	0	182
13.0 Benefits for former personnel	0	0	0	0	0	0	0	0
21.0 Travel and Transportation of Persons	0	427	0	320	0	320	0	0
22.0 Transportation of Things	0	893	0	65	0	67	0	-18
23.1 Rental Payments to GSA	0	3,036	0	4,003	0	3,207	0	-795
23.2 Rental Payments to Others	0	0	0	109	0	109	0	0
23.3 Communications, Utilities, and Miscellaneous Charges	0	271	0	357	0	337	0	0
24.0 Printing and Reproduction	0	0	0	0	0	0	0	0
25.1 Advisory and Assistance Services	0	0	0	0	0	0	0	0
25.2 Other Services from Non-Federal Sources	0	2,012	0	960	0	960	0	0
25.3 Other Goods and Services from Federal Sources	0	2,635	0	223	0	805	0	583
25.4 Operation and Maintenance of Facilities	0	701	0	578	0	578	0	0
25.5 Research and Development Contracts	0	0	0	8	0	0	0	0
25.6 Medical Care	0	0	0	0	0	0	0	0
25.7 Operation and Maintenance of Equipment	0	6	0	6	0	6	0	0
25.8 Subsidies and Support of Persons	0	66	0	50	0	50	0	0
26.0 Supplies and Materials	0	0	0	0	0	0	0	0
31.0 Equipment	0	0	0	0	0	0	0	0
32.0 Land and Structures	0	0	0	120	0	120	0	0
41.0 Grants, Subsidies, and Contributions	0	239	0	200	0	200	0	0
42.0 Insurance Claims and Indemnities	0	42	0	0	0	0	0	0
Total Obligations	0	10,188	0	14,781	0	14,781	0	0
Subtract - Unobligated Balance, Start-of-Year	0	0	0	0	0	0	0	0
Subtract - Transfers/Reprogramming	0	28,686	0	29,946	0	29,944	0	-92
Subtract - Recoveries/Refunds	0	0	0	0	0	0	0	0
Add - Unobligated End-of-Year, Available	0	0	0	0	0	0	0	0
Add - Unobligated End-of-Year, Expiring	0	1,068	0	0	0	0	0	0
Total Direct Requirements	67	29,754	0	25,936	0	29,944	0	-92
Reimbursable FTE								
Full-time Permanent	67		0		0		3	
23.1 Rental Payments to GSA (Reimbursable)		0	0	0	0	0	0	0
25.3 Other Goods and Services from Federal Sources - DHS Security (Reimbursable)		0	0	0	0	0	0	0

*The 2013 Availability includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).



ANTITRUST DIVISION

**CONGRESSIONAL SUBMISSION
FY 2014 PERFORMANCE BUDGET**

Antitrust Division

FY 2014 Congressional Budget Submission

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I. Overview

A. Introduction

The Antitrust Division is committed to its mission to promote economic competition through enforcing and providing guidance on antitrust laws and principles. Its vision is an environment in which U.S. consumers receive goods and services of the highest quality at the lowest price and sound economics-based antitrust enforcement principles are applied.

The Division supports the Department's Strategic Goal II, Objective 2.6, "Protect the federal fisc and defend the interests of the United States." In recent years, the Division has aggressively pursued far-reaching criminal cartel activity and important civil matters while reviewing a large number of premerger filings, many involving complex issues and global conglomerates. Merger volume steadily increased from 2003 through the first half of 2008, falling off at the end of 2008 based upon global economic conditions. Beginning in late 2009, as credit markets recovered and cash-rich companies regained business confidence, merger volume momentum gained speed and continues to increase in fiscal year 2013. To administer its caseload, the President's Budget includes \$160,410,000 in FY 2014, reflecting annual cost adjustments of \$823,000 over the FY 2012 enacted level.

It is critical that the Division have adequate resources to keep abreast of a workload, which more and more involves large, multi-national corporations and anticompetitive behaviors that are pervasive and difficult to detect. By protecting competition across industries and geographic borders, the Division's work serves as a catalyst for economic efficiency and growth with benefits accruing to both American consumers and American businesses. Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address:

<http://www.justice.gov/02organizations/bpp.htm>.

- From FY 2009 through the end of FY 2012, as a result of the Division's efforts, over **\$3.2 billion in criminal fines** were obtained from antitrust violators.
- The Division is a key participant on the **President's Financial Fraud Enforcement Task Force**, detecting and prosecuting mortgage fraud, securities and commodities fraud, and illegal schemes preying on funds designated to assist in America's ongoing economic recovery as part of the **American Recovery and Reinvestment Act**. (see pg. 36)
- **Intellectual property** issues involving patents, copyrights, trademarks, or trade secrets are instrumental in the Division's work. Invention and innovation are critical in promoting economic growth, creating jobs, and maintaining our competitiveness in the global economy. Antitrust laws ensure new proprietary technologies, products, and services are bought, sold, traded and licensed in a competitive environment.

B. Issues, Outcomes, and Strategies

Fundamental changes continue in the business marketplace, including the expanding globalization of markets, increasing economic concentration across industries, rapid technological change, significantly expanding numbers of business bankruptcies and failing firms, and substantial government investment in business enterprise. These factors, added to the existing number and intricacy of our investigations, significantly impact the Division's overall workload. Many current and recent matters demonstrate the increasingly complex, large, and international nature of the matters encountered by the Division, as the following table and exemplars indicate.

Enforcement Program	Major Matter Exemplars
Criminal DOJ Strategic Goal II Objective 2.6	Financial Fraud Enforcement (see Exemplar - pg.36) (Real Estate, Municipal Bonds and Economic Recovery) Automobile Parts (see Exemplar - pg. 39)
Civil Merger/Non-Merger DOJ Strategic Goal II Objective 2.6	AT&T, Inc./T-Mobile USA, Inc. (see Exemplar - pg. 41) H&R Block, Inc./2SS Holdings, Inc. (TaxACT). (see Exemplar - pg. 42) American Express, MasterCard and Visa – Credit Card Merchant Restraints (see Exemplar - pg. 44)

Globalization



Corporate leaders continue to seek a global presence as an element of long-term economic success, and more companies are transacting a significant portion of their business in countries outside of where they are located. For example, in the United States international trade (defined as exports and imports of goods and services) was \$4.9 trillion in FY 2012.¹

The internationalization of the business marketplace has had a direct and significant impact on antitrust enforcement in general, and specifically, on the Antitrust Division's workload. A significant number of the premerger filings received by the Division involve foreign acquirers, acquirees, major customers and competitors, and/or divestitures.

¹United States Department of Commerce, Bureau of Economic Analysis, "U.S. International Trade in Goods and Services", <http://www.bea.gov/newsreleases/international/trade/2012/pdf/trad1012.pdf>, December 2012.

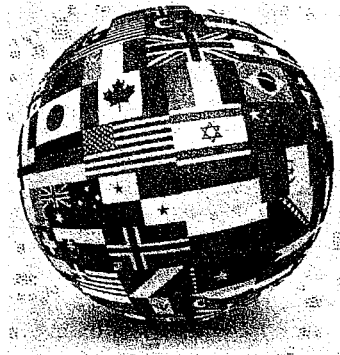
This also impacts our criminal enforcement program. The Division has witnessed a tremendous upsurge in international cartel activity in recent years. The Division places a particular emphasis on combating international cartels that target U.S. markets because of the breadth and magnitude of the harm that they inflict on American businesses and consumers. Of the grand juries opened through the end of FY 2012, approximately **67 percent** were associated with subjects or targets located in foreign countries. Of the approximate **\$7.8 billion** in criminal antitrust fines imposed by the Division between FY 1997 and the end of FY 2012, approximately **97 percent** were imposed in connection with the prosecution of international cartel activity. In addition, approximately **65 foreign defendants** from France, Germany, Japan, South Korea, Taiwan, the Netherlands, Norway, Sweden, Switzerland and the United Kingdom have served, or have been sentenced to serve, prison sentences in the United States as a result of the Division's cartel investigations.

The Division's criminal enforcement program overall, including enforcement against international cartels, has resulted in an increase in criminal fines. Up until 1994, the largest corporate fine imposed for a single Sherman Act count was \$6 million. Today, fines of \$10 million or more are commonplace, including many fines in excess of \$100 million. In FY 2012, total criminal antitrust fines obtained reached a record **\$1.1 billion**. Contributing to that total was a September 2012 sentence against AU Optronics Corporation. As a result of Division enforcement efforts, AU Optronics Corporation – a Taiwan-based liquid crystal display (LCD) producer – was sentenced to pay a **\$500 million** fine for its participation in a five-year conspiracy to fix the prices of thin-film transistor LCD panels sold worldwide. The **\$500 million** fine matches the largest fine ever imposed against a company for violating the U.S. antitrust laws. In addition, Yazaki Corp. agreed to plead guilty and pay a **\$470 million** criminal fine in January 2012 for auto parts price fixing, representing the second largest criminal fine for an antitrust violation. The impact of these heightened penalties has been an increase in the participation of large firms in the Division's Corporate Leniency Program, bringing more and larger conspiracies to the Division's attention before they can inflict additional harm on U.S. businesses and consumers.

As discussed above, our work no longer takes place solely within the geographic borders of the U.S. In our enforcement efforts we find parties, potential evidence, and impacts abroad, all of which add complexity, and ultimately cost, to the pursuit of matters. Whether that complexity and cost results from having to collect evidence overseas or from having to undertake extensive inter-governmental negotiations in order to depose a foreign national, it makes for a very different, and generally more difficult investigatory process than would be the case if our efforts were restricted to conduct and individuals in the U.S. The markets and competitors affecting U.S. businesses and consumers are more international in scope, and the variety of languages and business cultures that the Division encounters has increased. Consequently, the Division must spend more for translators and translation software, interpreters, and communications, and Division staff must travel greater distances to reach the people and information required to conduct an investigation effectively and expend more resources to coordinate our international enforcement efforts with other countries and international organizations.

International Competition Advocacy - The Antitrust Division is actively working with international organizations to encourage the adoption, regulation, and enforcement of competition laws as worldwide consensus continues to grow that international cartel activity is pervasive and is victimizing consumers everywhere. Total cartel sales of \$1.2 trillion in 2005 contained illegal overcharges of \$300 billion, a 25 percent premium paid for by consumers and businesses worldwide.² The Antitrust Division's commitment to detect and prosecute international cartel activity is shared with foreign governments throughout the world, resulting in the establishment of antitrust cooperative agreements among competition law enforcement authorities across the globe. To date, the Division has entered into antitrust cooperation agreements with twelve foreign governments – Australia, Brazil, Canada, Chile, China, the European Union, Germany, India, Israel, Japan, Mexico and Russia.

In addition, antitrust authorities globally are becoming increasingly active in investigating and punishing cartels that adversely affect consumers. The Division is a strong advocate for effective anti-cartel enforcement around the world. As effective global cartel enforcement programs are implemented and criminal cartel penalties adopted, the overall detection of large, international cartels increases along with the Division's ability to collect evidence critical to its enforcement efforts on behalf of American consumers. In the past decade, dozens of jurisdictions have increased penalties for cartel conduct, improved their investigative powers and introduced or revised amnesty programs. For example, Canada and Mexico have recently adopted or strengthened criminal sanctions for hard core cartel conduct. In addition, jurisdictions such as Australia, Canada and New Zealand have made revisions to their cartel amnesty policies making them more consistent with the United States.



² Connor, John M. "Statistics on Modern Private International Cartels, 1990-2005", *The American Antitrust Institute - Working Paper 07-01*, January 10, 2007

Efforts such as these help enhance global antitrust enforcement and reduce the burden on law abiding companies that operate in international markets. In addition, they promote international uniformity and help bring cartel prosecution in line with international best practices.

The Division continues to prioritize international cooperation, procedural fairness and, where appropriate, antitrust policy convergence and pursues these goals by working closely with multilateral organizations, strengthening its bilateral ties with antitrust agencies worldwide, and working with countries that are in the process of adopting antitrust laws.

In October 2001, with leadership from the Antitrust Division, the International Competition Network (ICN), comprised of competition authorities from 13 jurisdictions, was launched. The Division continues to play an important role in achieving consensus, where appropriate, among antitrust authorities on sound competition principles and also provides support for new antitrust agencies in enforcing their laws and building strong competition cultures. As of 2012, the ICN has grown to include 123 agencies from 108 jurisdictions. The eleventh annual conference of the ICN was held in Rio de Janeiro, Brazil in April 2012 where ICN members adopted new materials on how to assess market dominance, resolve cartel cases and manage competition projects effectively.



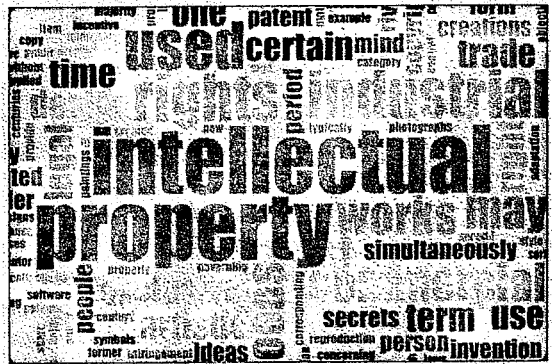
Intellectual Property

Invention and innovation are critical in promoting economic growth, creating jobs, and maintaining our competitiveness in the global economy. Intellectual property laws create exclusive rights that provide incentives for innovation. Antitrust laws ensure that new proprietary technologies, products, and services are bought, sold, traded and licensed in a competitive environment. Together, antitrust enforcement and the protection of intellectual property rights create an environment that promotes the innovation necessary for economic success. Issues involving patents, copyrights, trademarks, or trade secrets, arise in the Division's antitrust enforcement investigations, international competition advocacy, interagency initiatives, business review letters, and amicus filings in court cases. Three of these areas are highlighted below.

Patent Assets in Antitrust Cases - Recently there have been a number of proposed acquisitions that involve significant patent assets. The Division analyzes these issues closely to ensure competition is protected and invention and innovation are advanced. For example, in February 2012, the Antitrust Division closed its investigations of Google's acquisition of Motorola Mobility and another investigation that also involved the acquisition of a very significant patent portfolio after concluding neither acquisition was likely to violate Section 7 of the Clayton Act.

These portfolios included patents that had been declared essential to a standard in the wireless industry, and for which the prior owner had made certain licensing commitments. The Division thoroughly

examined the acquiring firms' incentives and ability to exploit ambiguities in those commitments to raise rivals' costs or foreclose competition. During the course of the Division's investigations, several of the principal competitors involved in the transactions—Google, Apple and Microsoft—made commitments concerning their licensing policies for patents that have been declared essential to a standard, and which were encumbered by licensing commitments. The commitments made by Apple and Microsoft substantially lessened the Antitrust Division's concerns about potential anticompetitive use of the patents. The Antitrust Division observed that Google's commitments did not provide the same direct confirmation of its intended licensing policies.



Although the Division concluded that the acquisitions of these patent portfolios were not likely to substantially lessen competition, the Division noted its concerns about the potential inappropriate use of the declared standards-essential patents to disrupt competition and specifically limited its conclusion to the transfer of ownership rights and not to the exercise of those transferred rights. Since closing these investigations, the Division has continued to monitor closely the use of declared standards-essential patents for which the owner has made licensing commitments.

International Advocacy - The Division regularly engages in international competition advocacy projects promoting the use of sound analysis of competition when issues involving intellectual property rights arise in multinational fora, such as the World Intellectual Property Organization, the Organization for Economic Cooperation and Development, and the Asian Pacific Economic Cooperation, and in foreign jurisdictions, such as China. To ensure that U.S. businesses may appropriately utilize their important intellectual property rights, it is crucial that other jurisdictions approach the intersection of antitrust and intellectual property in ways that promote both competitive markets and respect for intellectual property rights. The Division devotes substantial time and effort to advocating that all jurisdictions enforce competition laws in ways that create the right incentives for innovative activity to take place.

Interagency Initiatives - Standard-setting activities can play a critical role in promoting innovation and are often used in information and communications sectors to facilitate interoperability of complementary products. The Division seeks to ensure that the standard-setting process, including the use of intellectual property in that process, is not used in a manner that harms consumers. The Division regularly participates in interagency activities that promote competition advocacy where antitrust, intellectual property, and standards issues are implicated.

DOJ-FTC Workshop - In December 2012, the Department of Justice and the Federal Trade Commission (FTC) held a joint public workshop on patent assertion entity (PAE) behavior, as distinct from “non-practicing entity” (NPE) activity, such as developing and transferring technology. By contrast, PAE activities often include purchasing patents from existing owners and seeking to maximize revenues by licensing the intellectual property to (or litigating against) manufacturers who are already using the patented technology.

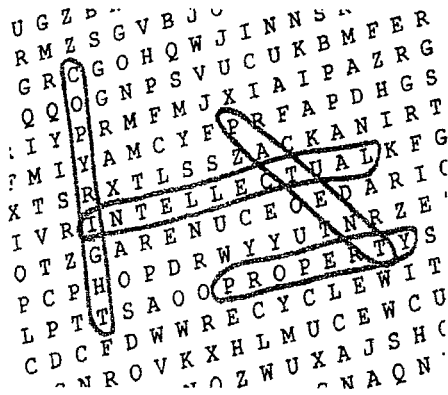
The workshop provided a forum for industry participants, academics, economists, lawyers, and other interested parties to discuss the evolution of economic and legal analyses of PAE behavior, including patent acquisitions and licensing activity. The workshop consisted of a series of panels examining, among other topics, PAE behavior, the economics of IP licensing, industry experiences with PAE behavior, economic and legal theories and empirical work concerning PAE activity, and the potential efficiencies and harms to innovation and competition that this activity may generate.

DOJ-PTO Policy Statement - In January 2013, the Division and the U.S. Patent & Trademark Office (PTO) issued a policy statement recommending that the U.S. International Trade Commission (ITC) undertake fact-based, case-specific decisions regarding the enforcement of a patent essential to a standard that is encumbered by a commitment to license that patent on reasonable and non-discriminatory (RAND) or fair, reasonable, and nondiscriminatory (FRAND) terms to those implementing the standard. The ITC must consider the effect of its exclusion order remedies on competitive conditions in the U.S. economy and on U.S. consumers as part of its public-interest

analysis. An exclusion order based on such patents may be in the public interest in limited circumstances. However, the public interest may be inconsistent with the issuance of an exclusion order in cases where the infringer is acting within the scope of the patent holder's F/RAND commitment and is able, and has not refused, to license the patent on F/RAND terms.

DOJ-FTC Comments - In early 2013, the Division participated in the PTO's roundtable on its proposed regulations requiring periodic and timely recordation of a patent's real-party-in-interest. After

that roundtable, the Division submitted joint comments with the FTC supporting the PTO's efforts and proposed regulations. One serious question—but by no means the only one—that technology companies confront is who owns the patents that they may want to use. The answer is often unclear because there is no requirement to use the PTO's system of recording patent assignments and transfers and no requirement that the true, controlling entity be disclosed. Faced with uncertainty, companies designing new products may find it difficult to weigh the relative merits, likelihood of licensing, and licensing costs of competing technologies. Requiring the disclosure of the real-party-in-interest will help improve the efficiency of the IP licensing marketplace. Advocacy in support of more efficient IP licensing furthers the Division's mission to promote competition across industries.



Economic Concentration

Ongoing economic concentration across industries and geographic regions also increases the Division's workload. Where there is a competitive relationship between or among the goods and/or services produced by the parties, the analysis necessary for thorough merger review becomes more complex. Competitive issues and efficiency defenses are more likely to surface in such reviews, adding complexity and cost to the Division's work.

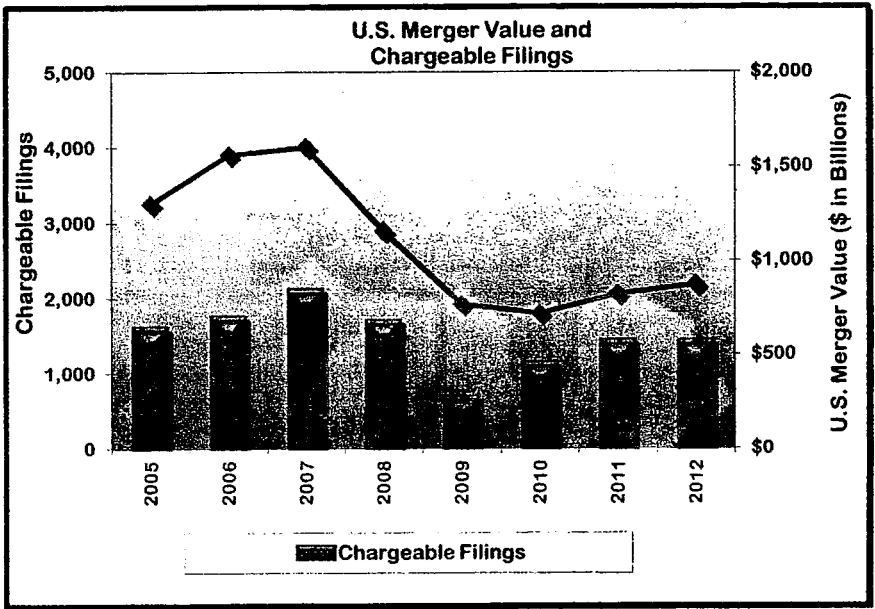


Figure 1

As shown in Figure 1, the overall economic downturn that began in calendar year 2008 resulted in a drop in merger deals in 2009 and the year finished with \$767 billion in U.S. merger value. However, merger and acquisition activity improved in calendar years 2010 through 2011 and increased slightly in 2012. Worldwide merger and acquisition volume in calendar year 2012 was roughly in line with volume in 2011 and ended the year at \$2.6 trillion.³

³ Anupreet Das, Dana Cimilluca, "Same Old, Same Old in the Mergers Arena", *The Wall Street Journal*, January 2, 2013, p. R19.

The economic slump has affected companies around the globe - troubles in the sovereign debt markets and the looming fiscal cliff crisis in the United States had companies wary of jumping into big deals. However, record amounts of cash and plentiful financing at bargain-basement interest rates are fueling a merger comeback for 2013. This year's U.S.-based M&A activity is off to its fastest start since 2000, according to data from Dealogic. Nonetheless, while bankers and lawyers predict an uptick from the last several years, few expect M&A activity to hit pre-crisis levels.⁴

Technological Change and the Changing Face of Industry

Technological change continues to create new businesses and industries virtually overnight, and its impact on the overall economy is enormous. The emergence of new and improved technologies, such as wireless communications, Voice over Internet Protocol (VoIP), biometrics, hand-held computing and online security, continues and intensifies.

We will see even more advances in technology in coming years as the telecommunications upheaval continues to transform traditional industry business models. One such transformation is in wireless communication and connectivity. There were an estimated 321.7 million wireless subscribers in the United States, home to the most mobile internet users in the world, as of June 2012 according to the Cellular, Telecommunications and Internet Association (CTIA) Wireless Quick Facts Report.⁵



Clearly, being 'connected' has become essential to the American daily lifestyle, and this connectivity demand continues to result in rapidly emerging newer and faster networks, applications and equipment. A June 2012 Pew Internet & American Life Project Report published by the Pew Research Center found that as of April 2012, 88 percent of U.S. adults have a cell phone of some kind. Of this group, more than half (55 percent) use their phone to go online.⁶

⁴ Farrell, Maurcen "M&A Making a Comeback" [www.cnnmoney.com](http://money.cnn.com/2013/02/12/investing/merger-acquisition/index.html), February 14, 2013, retrieved February 25, 2013.
<http://money.cnn.com/2013/02/12/investing/merger-acquisition/index.html>

⁵ CTIA - "Wireless Quick Facts" www.ctia.org, November 2012, retrieved February 25, 2013.

http://www.ctia.org/consumer_info/service/index.cfm?ADID=10323

⁶ Smith, Aaron "17% of cell phone owners do most of their online browsing on their phone, rather than a computer or other device" *Pew Internet & American Life Project*, June 26, 2012, retrieved February 25, 2013
http://www.pewinternet.org/~media/Files/Reports/2012/PIP_Cell_Phone_Internet_Access.pdf

As more consumers turn to high-speed broadband, wireless Internet access, and search for more efficient and cost effective methods of communication, expanding technologies such as Voice over Internet Protocol (VoIP), or what is also known as Broadband Telephony, stand to grow dramatically over the next several years. Surveys

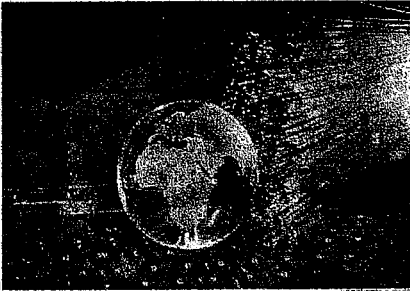


by the Pew Research Center's Internet & American Life Project in February 2007 showed that 8 percent of American adult internet users (6 percent of all American adults) had placed calls online and 2 percent of internet users were making calls on any given day. Just four years later, in their May 2011 survey, the Pew Research Center found that 24 percent of American adult internet users (19 percent of all American adults) had placed calls online and 5 percent were making calls on any given day.⁷

The continuing evolution of technology, as it reshapes both industries and business processes worldwide, creates new demands on the Antitrust Division. The economic paradigm is shifting so rapidly that the Division must employ new analytical tools, which allow it to respond quickly and appropriately. It must be vigilant against anticompetitive behavior in the new economy where the Internet and cutting-edge information technology may facilitate the rapid entry and dominance of emerging markets.

Technological Change and Information Flows

Technological change is occurring at a blistering pace, as evidenced by the proliferation



of wireless communication enhancements; the near daily evolution of mobile handheld devices, computer components, peripherals and software; and the growing use of video teleconferencing technology to communicate globally.

As the tools of the trade become more sophisticated, there appears to be a corresponding growth in the subtlety and complexity with which prices are fixed, bids

are rigged, and market allocation schemes are devised. The increased use of electronic mail, and even faster, more direct methods of communication, such as text and instant messaging, has fostered this phenomenon. Moreover, the evolution of electronic communication results in an increase in the amount and variety of data and materials that the Antitrust Division must obtain and review in the course of an investigation. In addition to hard-copy documents, telephone logs, and other information from public sources, including the Internet, the Division now regularly receives magnetic tapes, CD's, and computer servers containing the e-mail traffic and documents of companies under investigation.

⁷ Ramie Lee "24% of internet users have made phone calls online". *Pew Internet and American Life Project*, May 30, 2011, retrieved January 19, 2012 <http://pewinternet.org/Reports/2011/23-Internet-phone-calls--skyw-3px>

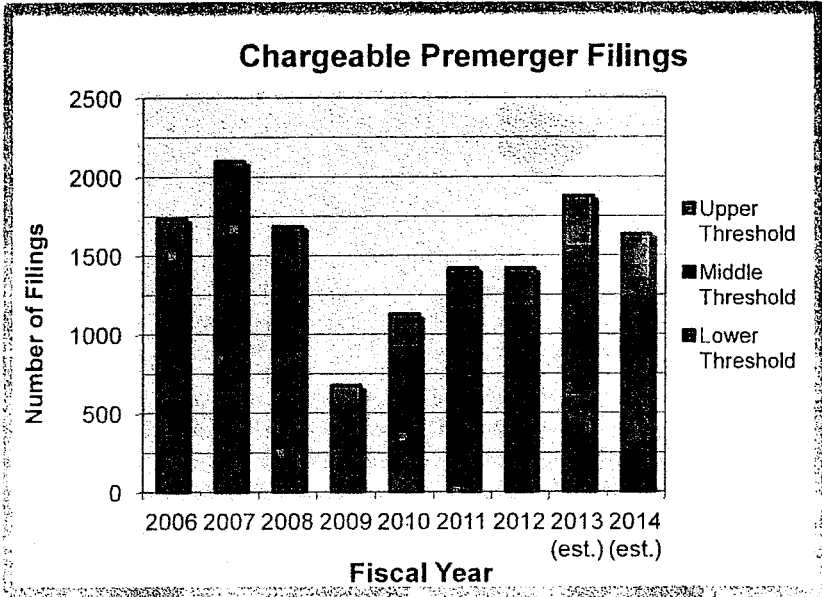
Results

While specific GPRA Performance Measures are addressed in the Decision Unit Justification section of this submission, several interesting statistics relative to the Division's performance include:

- From FY 2009 through the end of FY 2012, as a result of the Division's efforts, over **\$3.2 billion in criminal fines** were obtained against antitrust violators. In FY 2012 alone, over **\$1.1 billion in criminal fines** were obtained, making FY 2012 the year with the highest annual amount of obtained criminal fines in the Division's history.
- In the area of criminal enforcement, the Division continues to move forcefully against hard-core antitrust violations such as price-fixing, bid rigging and market allocation agreements. A significant number of our prosecutions have involved international price-fixing cartels, impacting billions of dollars in U.S. commerce. **Since FY 1997, defendants have been sentenced to pay approximately \$7.8 billion in criminal fines to the U.S. Treasury, including more than \$3.8 billion just since the beginning of FY 2008.**
- The Division believes that individual incarceration has a greater deterrent effect than fines alone and continues to emphasize prison terms for individuals who participate in antitrust criminal behavior. In FY 2012, as the result of Division enforcement efforts, 35 corporations and 55 individuals were sentenced due to antitrust violations. Prison sentences between FY 2000 and the end of FY 2012 were an **average of approximately 22 months**, more than twice the 8-month average sentence of the 1990's. Prison sentences since FY 1990 have resulted in approximately **621 years** of imprisonment in cases prosecuted by the Antitrust Division, with **208 defendants** sentenced to imprisonment of one year or longer.
- Coupled with the increasing frequency and duration of defendants' incarceration was a rise in monetary restitution by criminal defendants. From FY 2004 through the end of FY 2012, restitution generated by the Division was approximately **\$92 million.**
- Despite a workload of increasingly complex cases, the Antitrust Division has made great strides in combating anticompetitive behavior across industries and geographic borders and has saved consumers billions of dollars by ensuring a competitive and innovative marketplace. **Since FY 1998, the first year for which data is available, the Division, through its efforts in all three enforcement areas - merger, criminal and civil non-merger - is estimated, conservatively, to have saved consumers \$36 billion.**

Revenue Assumptions

Estimated FY 2013 - 2014 filings and fee revenue take into account the relative optimism of current medium-range economic forecasts. The February 2013 Congressional Budget Office, Budget and Economic Outlook anticipates that economic activity will expand slowly in calendar year 2013 but increase more rapidly in calendar year 2014.⁸



Premerger Filing Fee Thresholds Effective Feb 11, 2013	
Value of Transaction	Filing Fee
Lower: \$70.9M - <\$141.8M	\$45,000
Middle: \$141.8M - <\$709.1M	\$125,000
Upper: \$709.1M plus	\$280,000

Figure 2

(Consistent with statutory direction, pre-merger filing fee threshold amounts are adjusted annually based on the U.S. Gross Domestic Product Index and are reflected in the table above)

Renewed confidence in economic conditions beginning in late 2009 resulted in a 67 percent increase in Hart-Scott-Rodino (HSR) filings and a 73 percent increase in fee revenue in FY 2010. An increased level of merger activity continued throughout FY 2012 and is expected to continue throughout fiscal years 2013 through 2014.

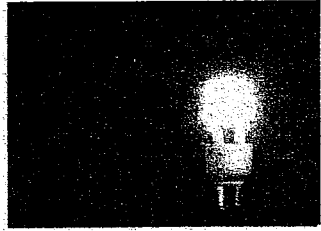
Based upon estimates calculated by the Congressional Budget Office and the Federal Trade Commission (FTC), fee collections of \$235 million for FY 2013 and \$204.6 million for FY 2014 are expected. HSR filing fee revenue is collected by the FTC and divided evenly with the Antitrust Division.

The President's Budget proposes to increase the HSR fees, to take effect in FY 2015, and index them for the percentage annual change in the gross national product. The proposal would also create a new merger fee category for mergers valued at over \$1 billion.

⁸ "The Budget and Economic Outlook: Fiscal Years 2013 to 2023," Congressional Budget Office, February 2013, p.35, <http://cbo.gov/sites/default/files/cbofiles/attachments/13907-BudgetOutlook.pdf>

Environmental Accountability

The Antitrust Division is mindful of responsible environmental management and has implemented processes to encourage awareness throughout the Division, including:



- Adherence to environmental standards during the procurement process to ensure products meet the recommended guidelines of the Department of Energy's energy efficiency standards, the Environmental Protection Agency's designated recovered material and bio-based products specifications, and the Department of Justice's Green Purchase Plan requirements.
- The Antitrust Division's central Washington D.C. Liberty Square building meets many LEED (Leadership in Energy and Environmental Design) criteria and includes many environmentally sound features including: zoned climate control for efficiencies in heating and air conditioning, motion sensed overhead lighting to minimize wasted energy in unoccupied space, and a recycling program throughout the building for paper, plastic, glass, and newspaper.
- The Division encourages employees to print documents only when absolutely necessary and, whenever possible, print double-sided in an effort to save paper.

The Division will continue to implement additional programs as further guidance is received from the Department, Administration and Congress.

Summary

The Division is continually challenged by an increasingly international and complex workload that spans enforcement areas and requires considerable resources to manage. With our children destined to inherit the resulting markets, the importance of preserving economic competition in the global marketplace cannot be overstated. The threat to consumers is very real, as **anticompetitive behavior leads directly to higher prices and reduced efficiency and innovation**. In recognition of the importance of its mission, the Antitrust Division requests an FY 2014 budget increase of \$823,000 to address annual cost adjustments and a total appropriation of \$160,410,000 in support of 830 positions.

The FY 2014 Antitrust Division budget request of \$160,410,000 supports Departmental Strategic Goal II: Prevent Crime, Protect the Rights of the American People and Enforce Federal Law. The Division's criminal and civil programs are both included in Strategic Objective 2.6: Protect the federal fisc and defend the interests of the United States.

FY2014 Total Budget Request by Strategic Goal Strategic Goal II - Strategic Objective 2.6

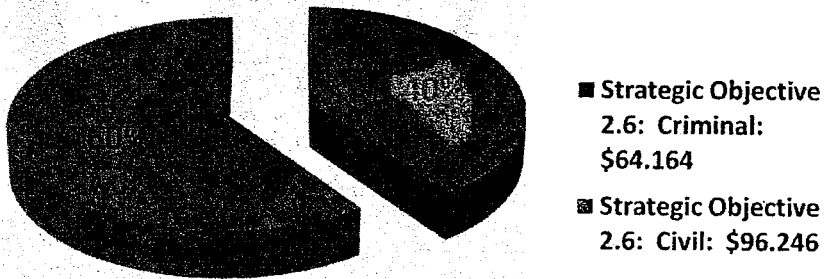


Figure 3

C. Full Program Costs

The Antitrust Division contains one Decision Unit (Antitrust). Within this Decision Unit the Division supports the Department's Strategic Goal II: Prevent Crime, Protect the Rights of the American People and Enforce Federal Law. This Strategic Goal defines the two broad program areas:

- Criminal Enforcement
- Civil Enforcement

In recent years, approximately 40 percent of the Division's budget and expenditures can be attributed to its criminal program and approximately 60 percent of the Division's budget and expenditures can be attributed to its civil program. The FY 2014 budget request assumes this same allocation.

This budget request incorporates all costs to include mission costs related to cases and matters, mission costs related to oversight and policy, and overhead.

D. Performance Challenges

External Challenges

As detailed in the Issues, Outcomes, and Strategies section, the Antitrust Division faces many external challenges that require flexibility and adaptability in order to pursue its mission. These external challenges include:

- Globalization of the business marketplace
- Increasing economic concentration across industries and geographic regions
- Rapid technological change

Internal Challenges

Much like its external challenges, highly unpredictable markets and economic fluctuations influence the Division's internal challenges. To accommodate these ever-changing factors, the Division must continuously and diligently ensure proper allocation and prudent use of its resources.

Information Technology (IT) Expenditures

The Antitrust Division's IT budget will continue to support several broad Information Technology areas essential to carrying out its mission. These Information Technology areas include:

- *Data Storage* –Electronic storage and processing capability, vital to the mission of the Antitrust Division, continues to expand, growing exponentially since FY 2003, when 12 terabytes (12 trillion bytes) of capacity readily satisfied Division demands. By FY 2010 requirements surpassed 100 terabytes and the Division expects electronic analytical capacity needs to **reach 1,284.3 terabytes or 1.2 petabytes by FY 2014 (1 petabyte is the equivalent of 20 million 4-drawer file cabinets filled with text).**

- *Data Security* - - Monitoring and effecting actions to ensure that system design, implementation, and operation address and minimize vulnerabilities to various threats to computer security, including carrying out security planning, risk analysis, contingency planning, security testing, intrusion detection, and security training.
- *Litigation Support Systems* - - Providing litigation support technologies that encompass a wide range of services and products that help attorneys and economists acquire, organize, develop, and present evidence. Providing courtroom presentation and related training to the legal staff to develop staff courtroom skills and practice courtroom presentations using state-of-the-art technology.
- *Office Automation* - - Providing staff technological tools comparable to those used by opposing counsel, thereby ensuring equitable technological capabilities in antitrust litigation. These tools are used for desktop data review and analysis, computer-based communication, the production of time-critical and sensitive legal documents, and preparing presentations and court exhibits.
- *Management Information Systems* - - Developing, maintaining, and operating data and information systems which support management oversight, direction of work, budget, and resources of the Division. Various tracking systems help ensure timely and efficient conduct of the Division's investigations through use of automated, web-based tools.
- *Telecommunications* - - Developing, providing, maintaining, and supporting networks and services required for voice and data communications among the Division's offices, with outside parties, and in support of federal telework objectives.
- *Web Support* - - Developing and maintaining the Division's Internet and internal ATRnet site. Posting case filings, documents and data related to cases and investigations; designing and developing new applications, providing public access to key Division information, and ensuring compliance with web standards and guidelines, including guidelines for usability and accessibility.

I. Summary of Program Changes

Item Name	Description				See Page
	Antitrust Division	Pos.	FTE	Dollars (\$000)	
Position/FTE Adjustment	Permanent Position reduction	-50	0	\$0	45

III. Appropriations Language and Analysis of Appropriations Language

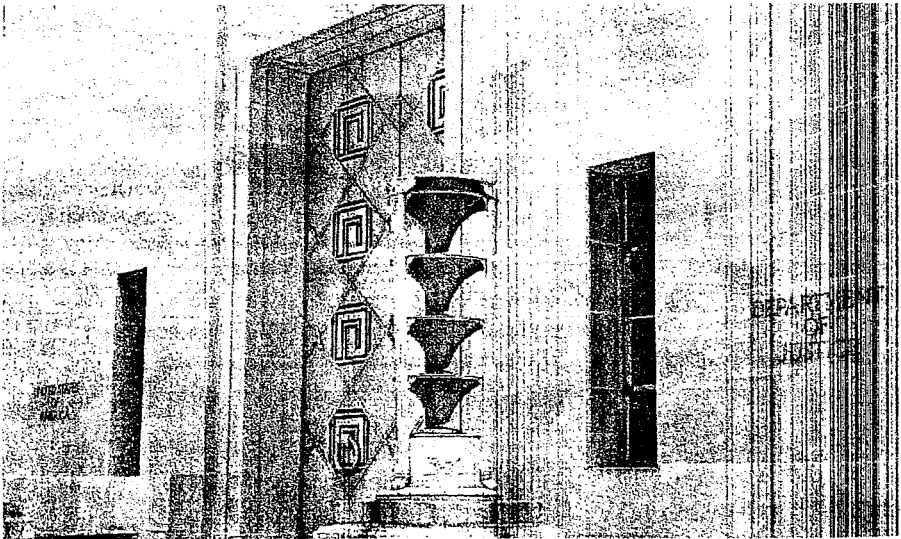
Appropriations Language

Salaries and Expenses, Antitrust Division

For expenses necessary for the enforcement of antitrust and kindred laws, [\$160,564,000] \$160,410,000 to remain available until expended: Provided, That, notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be [\$117,500,000] \$102,300,000 in fiscal year [2013] 2014), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year [2013] 2014; so as to result in a final fiscal year [2013] 2014 appropriation from the general fund estimated at [\$43,064,000] \$58,110,000.

Analysis of Appropriations Language

No substantive changes proposed.



IV. Program Activity Justification

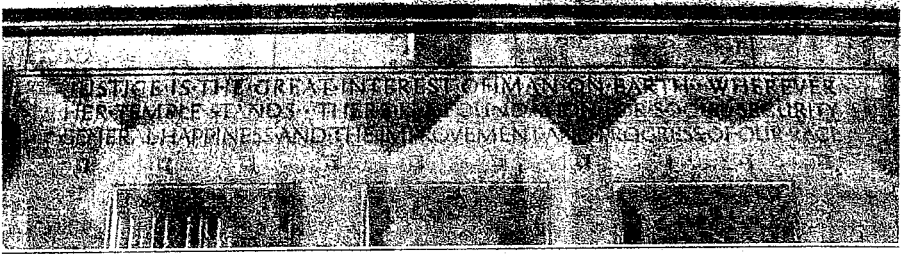
A. Decision Unit: Antitrust

Antitrust Division Fiscal Year 2014 Congressional Budget Submission Decision Unit Justification (dollars in thousands)			
Decision Unit: Antitrust - TOTAL	Direct Positions	Estimate FTE	Amount
2012 Enacted	880	705	\$159,587
2013 Continuing Resolution 0.612% Increase	880	676	\$977
Base and Technical Adjustments	0	0	\$-154
2014 Current Services	880	676	\$160,410
2014 Program Changes	-50	0	\$0
2014 Request	830	676	\$160,410
Total Change 2012 - 2014	-50	-29	\$823
Antitrust Division – Information Technology Breakout (of Decision Unit Total)			
2012 Enacted	38	36	\$24,678
2013 Continuing Resolution 0.612% Increase	35	33	\$151
Base and Technical Adjustments	0	0	\$-28
2014 Current Services	35	33	\$24,801
2014 Request	35	33	\$24,801
Total Change 2012 - 2014	0	-3	\$123

1. Program Description

The Antitrust Division promotes competition and protects consumers from economic harm by enforcing the Nation's antitrust laws. Free and open competition benefits consumers by ensuring lower prices and new and better products. The perception and reality among consumers and entrepreneurs that the antitrust laws will be enforced fairly and fully is critical to the economic freedom of all Americans. Vigorous competition is also critical to assure the rapid innovation that generates continued advances in our standard of living and our competitiveness in world markets.

At its highest level, the Division has two main strategies - Criminal and Civil. All of the Division's activities can be attributed to these two strategies and each strategy includes elements related to investigation, prosecution, and competition advocacy. To direct its day-to-day activities, the Division has established five supervisory Deputy Assistant Attorney General (DAAG) positions reporting directly to the Assistant Attorney General. Each of these DAAGs has oversight of a specific program including Civil Enforcement, Criminal Enforcement, Litigation, Operations, and Economic Analysis.



Criminal Enforcement - Within the Criminal strategy, the Antitrust Division must address the increased globalization of markets, constant technological change, and a large number of massive criminal conspiracies the Division is encountering. These matters transcend national boundaries, involve more technologically advanced and subtle forms of criminal behavior, and impact more U.S. businesses and consumers than ever before. The requirements -- whether in terms of staff time, travel and translation costs, or automated litigation support -- of fighting massive criminal conspiracies effectively is great. Matters such as the Division's ongoing investigations in the municipal bond investments market and real estate foreclosure auctions (page 36) exemplify the increasingly complex nature of Division workload in the criminal area and demonstrate that successful pursuit of such matters takes time and resources.

Civil Enforcement - Under the Civil strategy, the Division seeks to promote competition by blocking potentially anticompetitive mergers before they are consummated and pursuing non-criminal anticompetitive behavior such as group boycotts and exclusive dealing. The Division's Civil strategy seeks to maintain the competitive structure of the national economy through investigation and litigation of instances in which monopoly power is sought, attained, or maintained through anticompetitive conduct and by seeking injunctive relief against mergers and acquisitions that may tend substantially to lessen competition. The Division's Merger Review work can be divided into roughly three categories:

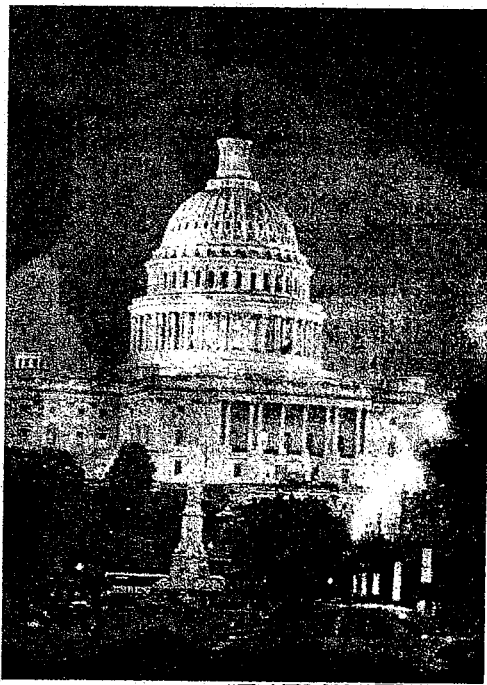
- Review of HSR transactions brought to our attention by statutorily mandated filings
- Review of non-HSR transactions (those not subject to HSR reporting thresholds); and
- Review of bank merger applications.

Competition Advocacy - As an advocate of competition, the Antitrust Division seeks the elimination of unnecessary regulation and the adoption of the most competitive means of achieving a sound economy through a variety of activities on the national and international stages. Areas in which the Division pursues competition advocacy initiatives include:

Regulatory Issues - The Antitrust Division actively monitors the pending actions of federal, state, and local regulatory agencies either as statutorily mandated, as in the case of telecommunication and banking markets, or through review of those agencies' dockets and industry or other publications and through personal contacts in the industries and in the agencies. Articulation of a pro-competitive position may make the difference between regulations that effectively do no antitrust harm and actively promote competitive regulatory solutions and those that may negatively impact the competitiveness of an industry. Examples of regulatory agencies before which the Division has presented an antitrust viewpoint include the Federal Communications Commission, Securities and Exchange Commission and the Federal Energy Regulatory Commission.

Review of New and Existing Laws - Given the dynamic environment in which the Antitrust Division must apply antitrust laws, refinements to existing law and enforcement policy are a constant consideration. Division staff analyze proposed legislation and draft proposals to amend antitrust laws or other statutes affecting competition. Many of the hundreds of legislative proposals considered by the Department each year have profound impacts on competition and innovation in the U.S. economy. Because the Division is the Department's sole resource for dealing with competition issues, it significantly contributes to legislative development in areas where antitrust law may be at issue.

For example, the Division has filed numerous comments and provided testimony before state legislatures and real estate commissions against proposed legislation and regulations that forbid buyers' brokers from rebating a portion of the sales commission to the consumer or that require consumers to buy more services from sellers' brokers than they may want, with no option to waive the extra items.

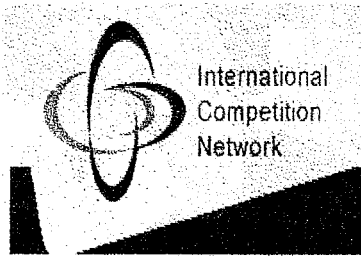


Education, Speeches, and Outreach – The Division seeks to reach the broadest audience in raising awareness of competition issues and, to do so, provides guidance through its business review program, outreach efforts to business groups and consumers, and the publication of antitrust guidelines and policy statements aimed at particular industries or issues. Division personnel routinely give speeches addressing these guidelines and policy statements to a wide variety of audiences including industry groups, professional associations, and antitrust enforcers from international, state, and local agencies.

In addition, the Division seeks opportunities to deploy its employees to serve the needs of the federal government for a broad variety of policy matters that involve competition policy to include:

- Detailing Division employees to Congressional committees, federal agencies and other parts of the Administration and
- Actively participating in White House interagency task forces in areas such as Internet Policy Principles, standard setting, and Accountable Care Organization (ACO) implementation.

International Advocacy – The Antitrust Division continues to work toward bringing greater cooperation to international enforcement, promoting procedural fairness and transparency both at home and abroad, and achieving greater convergence, where appropriate, to the substantive antitrust standards used by agencies around the world.

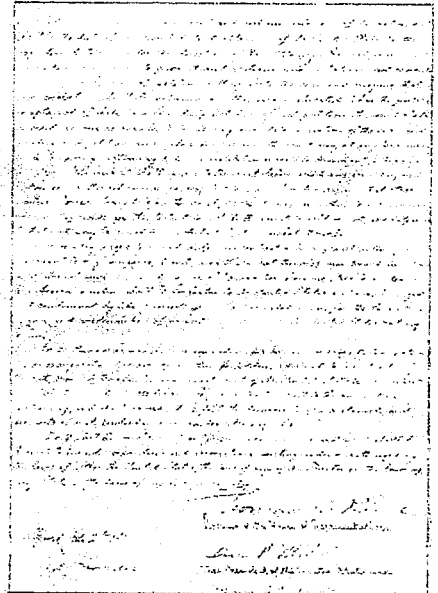
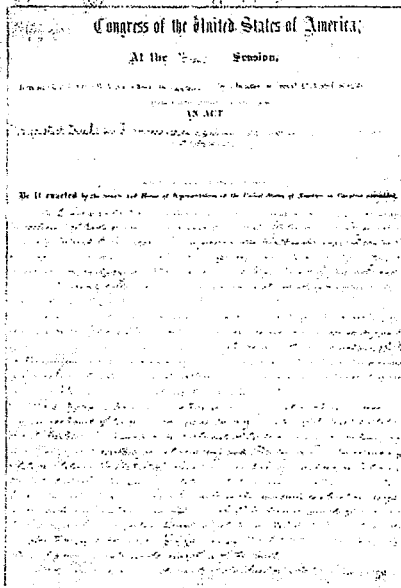


The Division pursues these goals by working closely with multilateral organizations, strengthening its bilateral ties with antitrust agencies worldwide, and working with countries that are in the process of adopting antitrust laws. One of the most notable examples of the Division's international efforts includes its participation in the International Competition Network (ICN). In April 2012, at its 11th annual conference in Rio de Janeiro, Brazil with more

than 450 delegates and competition experts from more than 80 antitrust agencies in attendance, the ICN launched and approved three new initiatives on international enforcement cooperation, the investigative process in competition cases and working with the courts. The ICN also adopted new materials on unilateral conduct investigations, raising anti-cartel awareness and explaining the benefits of competition.

With support from the Antitrust Division, the Organization for Economic Cooperation and Development (OECD) and the International Competition Network (ICN) are assisting substantially in Division efforts to achieve a more transparent, and where appropriate, uniform worldwide application of central antitrust enforcement principles.

Laws Enforced: There are three major federal antitrust laws: the Sherman Antitrust Act (pictured below), the Clayton Act and the Federal Trade Commission Act. The Sherman Antitrust Act has stood since 1890 as the principal law expressing the United States' commitment to a free market economy. The Sherman Act outlaws all contracts, combinations and conspiracies that unreasonably restrain interstate and foreign trade. The Department of Justice alone is empowered to bring criminal prosecutions under the Sherman Act. The Clayton Act is a civil statute (carrying no criminal penalties) that was passed in 1914 and significantly amended in 1950. The Clayton Act prohibits mergers or acquisitions that are likely to lessen competition. The Federal Trade Commission Act prohibits unfair methods of competition in interstate commerce, but carries no criminal penalties.



(An Act to protect trade and commerce against unlawful restraints and monopolies ("Sherman Antitrust Act"), July 2, 1890; 51st Congress, 1st Session. Public Law #190; Record Group 11, General Records of the U.S.)

2. Performance and Resource Tables										
Decision Unit/Program: Antitrust										
DOJ Strategic Goal II: Strategic Objective 2.6: Criminal, Civil										
WORKLOAD/RESOURCES		Target	Actual	Projected		Changes		Requested (Total)		
		FY 2012	FY 2012	FY 2013 CR		Current Services and FY 2014 Adjustments and FY 2014 Program Changes		FY 2014 Request		
Workload - Number of HSR Transactions Received		1,635	1,436	1,635		0		1,635		
Total Costs and FTE		FTE \$000	FTE \$000	FTE \$000	FTE \$000	FTE \$000	FTE \$000	FTE \$000	FTE \$000	FTE \$000
Antitrust		851 \$159,587	706 \$165,469	879 \$160,584	879 \$160,584	0 \$-154	876 \$160,410	876 \$160,410	876 \$160,410	876 \$160,410
PERFORMANCE/RESOURCES		FY 2012	FY 2012	FY 2013 CR		Current Services and FY 2014 Adjustments and FY 2014 Program Changes		FY 2014 Request		
Program Activity		FTE \$000	FTE \$000	FTE \$000	FTE \$000	FTE \$000	FTE \$000	FTE \$000	FTE \$000	FTE \$000
1. Criminal		340 \$63,835	282 \$66,184	284 \$64,226	284 \$64,226	0 \$-62	284 \$64,164	284 \$64,164	284 \$64,164	284 \$64,164
Performance Measure - Criminal		95	87	75		0		75		
Dollar Volume of U.S. Commerce Affected in Relevant Markets Where Pleas/Cases Favorably Resolved (\$ in millions)		Not Projected	\$4,469	Not Projected		Not Projected		Not Projected		
Program Activity		FTE \$000	FTE \$000	FTE \$000	FTE \$000	FTE \$000	FTE \$000	FTE \$000	FTE \$000	FTE \$000
2. Civil		511 \$95,752	423 \$99,275	392 \$96,338	392 \$96,338	0 \$-92	392 \$96,246	392 \$96,246	392 \$96,246	392 \$96,246

TYPE/Strategic Objective	PERFORMANCE/RESOURCES	Target	Actual	Projected	Changes Current Services Adjustments and FY 2014 Program Changes	Requested (Total) FY 2014 Request
Performance Measure – Merger	Number of Preliminary Inquiries Opened	FY 2012	FY 2012	FY 2013 CR		
		110	74	70	0/0	70
Performance Measure – Civil Non-Merger	Number of Active Investigations					
		77	46	70	0/0	70
Performance Measure – Civil Merger and Non-Merger	Dollar Volume of U.S. Commerce Affected in Relevant Markets for all Merger Wins and All Non-Merger Pleas/Cases Favorably Resolved (\$ in millions)	Not Projected	\$437.410	Not Projected	Not Projected	Not Projected
Outcome – Criminal, Civil (Merger and Civil Non-Merger)						
Consumer Savings	Criminal - Total Dollar Value of Savings to U.S. Consumers (\$ in millions)	Not Projected	\$447	Not Projected	Not Projected	Not Projected
	Civil - Total Civil (Merger and Non-Merger) Dollar Value of Savings to U.S. Consumers (\$ in millions)	Not Projected	\$8,965.6	Not Projected	Not Projected	Not Projected
Success Rates	Criminal - Percentage of Cases Favorably Resolved	90%	93%	90%	0	90%
	Civil - Percentage of Cases Favorably Resolved	80%	100%	80%	0	80%

TABLE DATA DEFINITIONS:

Program Activity Data Definition, Validation, Verification, and Limitations:

Criminal, Civil Merger and Civil Non-Merger performance measure target adjustments for FY 2013 through FY 2014 projections are based on an analysis of FY 2002 through FY 2012 actual amounts.

Criminal Performance Measure:

During the course of the year, if the Antitrust Division subpoenas individuals to, questions witnesses before, presents information to, or otherwise has contact with a grand jury for one of our investigations, it is considered an Active Grand Jury. In some instances, the Division may conduct an investigation during the course of the year, but not bring witnesses before or present evidence to the applicable grand jury until a subsequent year. For example, it may require a significant amount of investigatory time or coordination with foreign enforcement authorities to obtain critical evidence for presentation to a grand jury. Such instances are also considered Active Grand Juries.

The Dollar Volume of U.S. Commerce Affected is estimated by the Antitrust Division based upon the best available information from investigative and public sources. It serves as a proxy for the potential effect of anticompetitive behavior. Support conspiracies are more extensive, sometimes for more extensive, than are formally charged in an indictment, hence we believe that the Dollar Volume of U.S. Commerce Affected is an underestimate of the actual value. In estimating the Dollar Volume of Commerce Affected in a criminal investigation, staffs include the sales of all products affected by the conspiracy.

Civil Performance Measures:

When a merger filing initially is received through the HSR process, or the Antitrust Division identifies a potentially anticompetitive Non-HSR merger, we develop information from the filing, the parties or complainant, trade publications, and other public sources. Once we develop a sufficient factual and legal basis for further investigation, a Preliminary Inquiry (PI) may be authorized. Once authorized, we investigate further and make a determination about whether to proceed by Second Request or Civil Investigative Demand (CID), or to close the PI. A PI may take from a few weeks to several months to conduct. Thus a PI is often more than a quick assessment, which is usually done when a matter is initially received or identified, and necessarily precedes a Second Request or CID investigation. It is a critical step in the investigatory process and the Number of PIs Opened is indicative of the Division's baseline workload.

Number of Active Investigations is indicative of Division's baseline civil non-merger workload. Staff identifies and investigates alleged violations of Section 1 and 2 of the Sherman Act and Section 3 of the Clayton Act. Many times, civil non-merger investigations take more than a year to develop sufficient evidence to file a case or close the investigation. Because staff may be working on an investigation for more than a year, this indicator accounts for the number of investigations with hours actually reported during the fiscal year, as opposed to the number of open investigations during the fiscal year.

The Dollar Volume of U.S. Commerce Affected in Relevant Markets for All Merger Wins and all Non-Merger Pleas/Cases Favorably Resolved are estimated by the Antitrust Division based upon investigative information and credible public sources. The volume of commerce serves as a proxy for the potential effect of possibly anticompetitive behavior. This indicator has been revised to reflect only those HSR and Non-HSR merger cases in which the Division's efforts led to a reduction in anticompetitive behavior. This indicator includes the Dollar Volume of U.S. Commerce Affected in instances where we have counted an HSR, Non-HSR and bank merger wins. While we have used existing data sources in the Division to compile the Dollar Volume of U.S. Commerce Affected in Relevant Markets for All Merger Wins, we acknowledge some limitations in our data that result in the cumulative underestimate of the value presented here. In the HSR merger and bank merger areas, we are required to review a significant number of applications, many of which are determined to pose no competitive issues. No Preliminary Inquiry is opened in these cases, but Division resources are still employed to ensure that the transactions being proposed will do no harm to the competitive environment.

In estimating the Dollar Volume of U.S. Commerce Affected in a civil non-merger case, staffs estimate an aggregate volume of commerce for each relevant domestic market affected by the anticompetitive practice or agreement. Obviously, many anticompetitive practices or agreements are more extensive, sometimes far more extensive, than are formally charged; hence we believe that the Dollar Volume of U.S. Commerce Affected is an underestimate of the actual value.

Outcome:

It is difficult to fully or precisely capture in a single number, or even a variety of numbers, the ultimate outcome of our Enforcement Strategy. It is not always clear just how far-reaching the effects of a particular conspiracy are. It is not always possible to determine the magnitude of the price increase that relates directly to a particular conspiracy. We cannot consistently translate into numbers the competitive impact of a given conspiracy, nor can we gauge the deterrent effects of our enforcement efforts, though we and those who have written on the subject believe that such effects exist and are strong. Nonetheless, we believe that an end outcome, if not the ultimate outcome, of our work in this area is the Savings to U.S. Consumers that arise from our successful elimination and deterrence of criminal conspiracies, the protection of competition in the U.S. economy, and our deterrence of anticompetitive behavior.

Criminal: There are two components to our estimate of consumer savings: the price effect of the conspiracy and the annual volume of commerce affected by the conspiracy. Volume of commerce is estimated based on the best available information from investigative and public sources. This results in an underestimate of consumer savings, as the vast majority of conspiracies exist for well over a year. We are more limited in our ability to estimate price effect, and thus in most cases rely on the 10 percent figure in the U.S. Sentencing Guidelines Manual (November 1, 1997; Section 2B1.1; Application Note 3; page 227) as the "average gain from price-fixing" (used in determining fines for convicted organizations) for our estimate in price fixing, bid rigging, and other criminal antitrust conspiracies. Although there are significant limitations to this estimate (as with any estimate), we believe it goes a long way toward describing the outcome of our work and ties directly to our vision of an environment in which U.S. consumers receive goods and services of the highest quality at the lowest price and sound economics-based antitrust enforcement principles are applied.

Civil. Our estimates of consumer savings derive initially from our best measurement of volume of commerce in the relevant markets with which we were concerned. For the majority of merger matters, we calculated consumer savings by also using a formula that makes a realistic assumption about the oligopolistic interaction among rival firms and incorporates estimates of price elasticities of demand and of market demand elasticity. In a few merger wins, primarily vertical mergers and those in which the anticompetitive effects included predicted reductions in innovation or other special considerations, volume of commerce in the relevant market was estimated based on the best available information from investigative and public sources, and it is annualized and confined to U.S. commerce. Given the roughness of our methodology, we believe our estimate of consumer savings is a conservative estimate in that it attempts to measure direct consumer benefits. That is, we have not attempted to value the deterrent effects (where our challenge to or expression of concern about a merger is a success) or the success of our enforcement efforts. While these effects in most matters are very large, we are unable to estimate them with any estimate (as with any estimate). We believe it goes a long way toward describing the outcome of our work and is directly to our vision of an environment in which U.S. consumers benefit from the highest quality at the lowest price and sound economics-based antitrust enforcement principles are applied. The end outcome of our work in the Civil Non-Merger Enforcement Strategy is the Savings figure that arises from our successful elimination and deterrence of anticompetitive behavior. There are two components to our estimate of consumer savings: the volume of commerce affected by the successful behavior and the price effect of the behavior. Volume of commerce is estimated based on the best available information from investigative and public sources, and it is annualized and confined to U.S. commerce. Price effect is more limited in our ability to estimate price effect, and thus rely on a conservative one percent figure for our estimate. We believe our consumer savings figure to be a very conservative estimate.

The Success Rate for Criminal Matters provides an overall view of the Division's record, looking at situations where the Division determines there to be anticompetitive issues and noting our "success rate" in the outcomes for those situations. The Success Rate for Criminal Matters was calculated using the following formula: the denominator includes the sum total of the following outcomes in the given fiscal year in which there was either a guilty plea, conviction at trial, acquittal at trial, directed verdict, dismissal of charges or other final disposition of the matter in the same fiscal year. (2) The numerator includes the sum total of the following outcomes in the given fiscal year: acquittal at trial, directed verdict, dismissal of charges or other final disposition of the matter in the same fiscal year. The Success Rate for Criminal Matters is calculated by dividing the numerator by the denominator that resulted in guilty pleas or convictions at trial, subtracting those cases that resulted in acquittals, directed verdicts, or the dismissal of charges. Cases are defined here as those cases in which the defendant is charged by either information or indictment. Note that these statistics do not include cases that are pending, such as pending indictments of foreign nationals who remain fugitives in our jurisdiction and pending appeals in our jurisdiction. The Success Rate for Criminal Matters is a consolidated measure of performance in the annual Performance & Accountability Report.

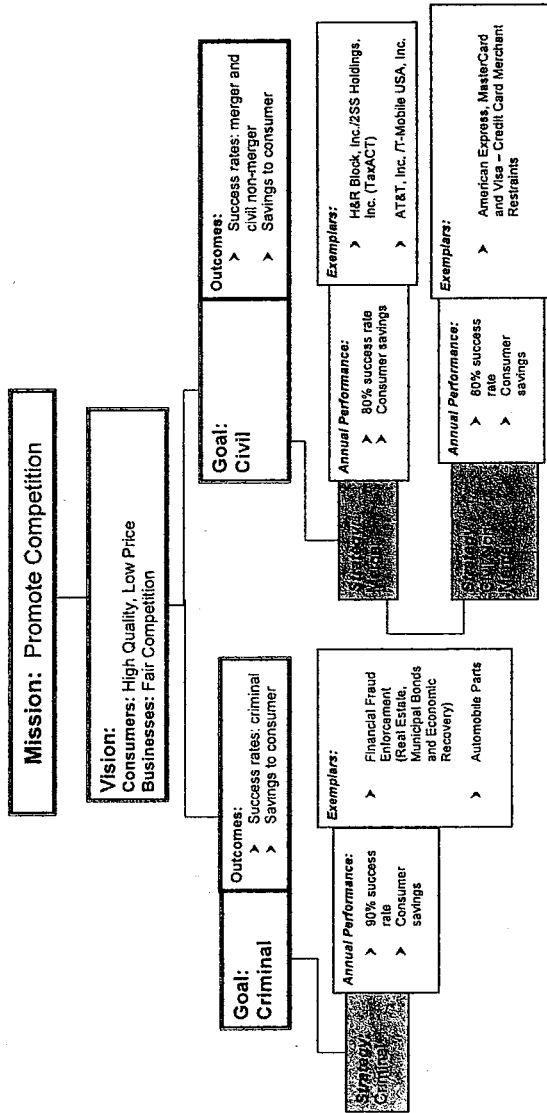
The Success Rate for Civil Matters is determined Number of Merger "Successes" / Challenges. Challenges provides an overall view of the Division's record, looking at situations where the Division determines there to be anticompetitive issues and noting our "success rate" in the outcomes for those situations. A success in this context may be any one of the positive outcomes that includes the Number of Merger Actions Abandoned Due to Division Actions Before Compulsory Process Initiated, Number of Merger Cases Abandoned Due to Division Actions After Compulsory Process Initiated Without Case Filed, Number of Merger Cases Settled, Number of Merger Cases Settled by Consent Decree, Number of Merger Cases Filed but Resolved Prior to Conclusion of Trial, and Number of Merger Cases Litigated Successfully to Judgment with No Pending Appeal. The Success Rate for Civil Matters is a consolidated DOJ litigating component data element and actual performance is reported as a consolidated measure in the annual Performance & Accountability Report.

Matters Challenged Where the Division Expressed Concern include those in which a complaint has been filed; the subject or target of an investigation has been informed that the Assistant Attorney General (AAG) has authorized the filing of a complaint, the subject or target of an investigation has been informed that the AAG is recommending that a complaint be filed; the subject or target changes its practices in a way that causes the matter to be closed before the AAG makes a decision whether to file a complaint, or the subject or target of an investigation has been informed that the staff has serious concerns about the practice, and the subject or target changes its practices in a way that causes the matter to be closed before the staff makes a decision whether to file a complaint. This measure is part of a consolidated DOJ litigating component data element and actual performance is reported as a consolidated measure in the annual Performance & Accountability Report.

Performance Measure Report - Historical Data																			
Decision Unit: Antitrust																			
Performance Report and Performance Plan Targets		FY 2006		FY 2007		FY 2008		FY 2009		FY 2010		FY 2011		FY 2012		FY 2013		FY 2014	
Performance Measure:		Actual		Actual		Actual		Actual		Actual		Actual		Target		Actual		Target	
		Target		Target		Target		Target		Target		Target		Target		Target		Target	
Performance Measure: Criminal	Number of Active Grand Juries	152	141	167	175	168	141	95	87	75	75								
Performance Measure: Criminal	Dollar Volume of U.S. Commerce Affected in Relevant Markets Where Pleas/Cases Favorably Resolved (\$ in millions)	\$550	\$5,612	\$210	\$6,056	\$502	\$2,486.4	Not Projected	\$4,469	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected
Performance Measure: Civil Merger	Number of Preliminary Inquiries Opened	96	101	85	65	64	90	110	74	70	70								
Performance Measure: Civil Non-Merger	Number of Active Investigations	73	52	57	73	61	50	77	46	70	70								
Performance Measure: Civil (Merger and Non-Merger)	Dollar Volume of U.S. Commerce Affected in Relevant Markets for all Merger Wins and All Non-Merger Pleas/Cases Favorably Resolved (\$ in millions)	\$100,832	\$2,967	\$16,085	\$94,629	\$6,114	\$129,069	Not Projected	\$437,410	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected
Outcome Measure: Consumer Savings - Criminal	Criminal - Total Dollar Value of Savings to U.S. Consumers (\$ in millions)	\$55	\$561	\$21	\$606	\$50.2	\$248.6	Not Projected	\$447	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected
Outcome Measure: Consumer Savings - Civil	Civil (Merger and Non-Merger) - Total Dollar Value of Savings to U.S. Consumers (\$ in millions)	\$1,952.3	\$166	\$509.7	\$1,222	\$186.7	\$1,431.1	Not Projected	\$6,965.6	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected
Outcome Measure: Success Rate - Criminal	Criminal - Percentage of cases favorably resolved	100%	98%	85%	97%	98%	97%	90%	93%	90%	90%								
Outcome Measure: Success Rate - Civil (Merger and Non-Merger)	Civil - Percentage of cases favorably resolved	100%	100%	100%	100%	100%	98%	80%	100%	80%	80%								

3. Performance Measurement Framework

Antitrust Division, Department of Justice
Performance Measurement Framework
FY 2014



4. Performance, Resources, and Strategies

The Antitrust Decision Unit contributes to the Department's Strategic Goal II: Prevent Crime, Enforce Federal Laws and Represent the Rights and Interests of the American People. Within this Goal, the Decision Unit's resources specifically address Strategic Objective 2.6: Protect the federal fisc and defend the interests of the United States.

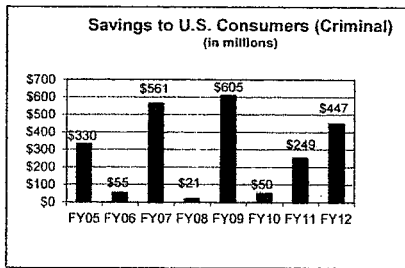
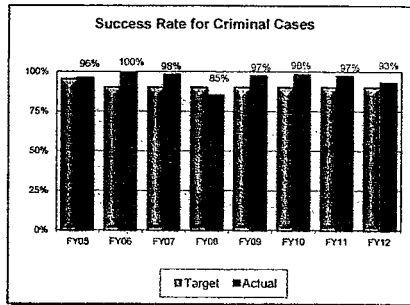
a. Performance Plan and Report for Outcomes

Prosecute International Price Fixing Cartels

The charts below illustrate the Criminal Outcome Performance Measures for the Antitrust Decision Unit, to include: Success Rate for Antitrust Criminal Cases and Savings to U.S. Consumers (as a result of the Antitrust Division's criminal enforcement efforts). It is the Division's goal to achieve a successful outcome in every case it tries. The Antitrust Division has been aggressive in its pursuit of criminal anticompetitive behavior.

In the criminal enforcement area, the Division continues to provide economic benefits to U.S. consumers and businesses in the form of lower prices and enhanced product selection by dismantling international private cartels and restricting other criminal anticompetitive activity. In FY 2012, the Division successfully resolved 93 percent of criminal matters. This measure is a consolidated measure shared with all other litigating components within the Department. As a whole, the Department exceeded its target by successfully resolving 92 percent of its cases. The Division expects to meet or exceed its goals for FY 2013 through FY 2014.

The estimated value of consumer savings generated by the Division's criminal efforts is contingent upon the size and scope of the matters resolved each year and thus varies significantly.

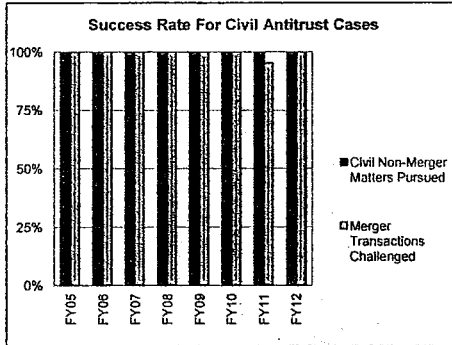


Civil Enforcement

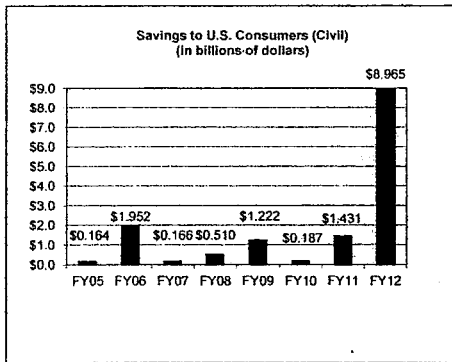
The charts below illustrate the Civil Outcome Performance Measures for the Antitrust Decision Unit, to include: Success Rate for Civil Antitrust Cases and Savings to U.S. Consumers (as a result of the Antitrust Division's Civil enforcement efforts).

The success rate for civil non-merger matters includes investigations in which business practices were changed after the investigation was initiated, a case was filed with consent decree, or a case was filed and litigated successfully. The Division's success in preventing anticompetitive behavior in the civil non-merger area has been notable. The Division successfully resolved every matter it challenged in FY 2012 and expects to meet or exceed its goals for FY 2013 through FY 2014.

The success rate for merger transactions challenged includes mergers that are abandoned, fixed before a complaint is filed, filed as cases with consent decrees, filed as cases but settled prior to litigation, or filed and litigated successfully. Many times, merger matters involve complex anticompetitive behavior and large, multinational corporations and require significant resources to review. The Division's Civil Merger Program successfully resolved 100 percent of the matters it challenged in FY 2012 and expects to meet or exceed its goals for FY 2013 and FY 2014.



The estimated value of consumer savings generated by the Division's civil enforcement efforts in any given year depends upon the size and scope of the matters proposed and resolved and thus varies considerably. Targeted levels of performance are not projected for this indicator.





b. Strategies to Accomplish Outcomes

Prosecute International Price Fixing Cartels

Utilizing geographically dispersed field offices and one section in Washington, DC, the Antitrust Division deters private cartel behavior by investigating and challenging violations of Section 1 of the Sherman Act, including such *per se* (in and of themselves, clearly illegal) violations as price fixing, bid rigging, and horizontal customer and territorial allocations. Wide ranges of investigatory techniques are used to detect collusion and bid rigging, including joint investigations with the FBI and grand jury investigations. When businesses are found actively to be engaged in bid rigging, price fixing, and other market allocation schemes that negatively affect U.S. consumers and businesses (no matter where the illegal activity may be taking place), the Division pursues criminal investigations and prosecutions.

The global reach of modern cartels and their significant effects on U.S. consumers highlights the critical importance of international advocacy and coordination efforts. Increased cooperation and assistance from foreign governments continues to enhance the Division's ability to detect and prosecute international cartel activity. In addition, the Division's Individual and Corporate Leniency Programs, revised in recent years for greater effectiveness, have proven critical in uncovering criminal antitrust violations. Greater time and resources are devoted to investigation-related travel and translation, given the increasingly international operating environment of the criminal conspiracies being encountered. In all instances, if the Division ultimately detects market collusion and successfully prosecutes, the Division may obtain criminal fines and injunctive relief.

Civil Enforcement

The Division's Civil strategy is comprised of two key activities - Merger Review and Civil Non-Merger work. Six Washington, DC sections and two field offices participate in the Division's civil work. This activity serves to maintain the competitive structure of the national economy through investigation and litigation of instances in which monopoly power is sought, attained, or maintained through anticompetitive conduct and by seeking injunctive relief against mergers and acquisitions that may tend substantially to lessen competition.



Section 7 of the Clayton Act, as amended by the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (HSR), requires certain enterprises that plan to merge or to enter into acquisition transactions to notify the Antitrust Division and the Federal Trade Commission (FTC) of their intention and to submit certain information. These HSR premerger notifications provide advance notice of potentially anticompetitive transactions and allow the Division to identify and block such transactions before they are consummated. HSR premerger reviews are conducted under statutorily mandated time frames. This workload is not discretionary; it results from the number of premerger filings we receive.

The number of merger transactions reviewed includes all HSR filings the Division receives and, also, reviews of proposed or consummated mergers that are below HSR filing thresholds but which present possible anti-competitive issues. HSR and non-HSR transactions may be investigated and prosecuted under Section 7 of the Clayton Act, or under Sections 1 and 2 of the Sherman Act. Referrals for non-HSR matters come from both outside the Division, via competitors or consumers, and from within the Division, based on staff knowledge of industries and information about current events.

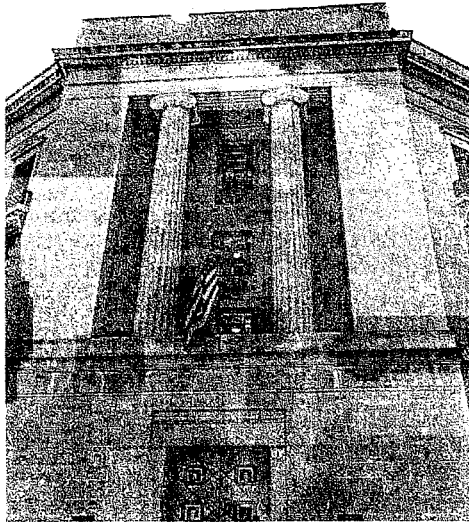
Bank merger applications, brought to the Division's attention statutorily via the Bank Merger Act, the Bank Holding Company Act, the Home Owners Loan Act, and the Bridge Bank Section of the Federal Deposit Insurance Act, are reviewed through a somewhat different process.

The majority of the Division's Civil Non-Merger work is performed by four litigating sections in Washington, DC, although other Washington sections and some field offices provide support as necessary. Our Civil Non-Merger activities pick up, to some degree, where the Antitrust Division's Criminal strategy leaves off, pursuing matters under Section 1 of the Sherman Act in instances in which the allegedly illegal behavior falls outside bid rigging, price fixing, and market allocation schemes, the areas traditionally covered by criminal prosecutory processes. Other behavior, such as group boycotts or exclusive dealing arrangements, that constitutes a "...contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce..." is also illegal under Section 1 of the Sherman Act. It is typically prosecuted through the Division's Civil Non-Merger Enforcement Strategy.

A distinction between the Criminal and Civil Non-Merger activities is that conduct prosecuted through the Criminal strategy is considered a *per se* violation of the law, whereas conduct reviewed under the Civil Non-Merger activity may constitute a *per se* violation of the law or may be brought using a rule-of-reason analysis. *Per se* violations are violations considered so clearly anticompetitive that the Division must prove only that they occurred. Violations brought under a rule-of-reason analysis, on the other hand, are those that may or may not, depending on the factual situation, be illegal. In these instances, the Division must not only prove that the violation occurred, but must also demonstrate that the violation resulted in anticompetitive effects. In addition to pursuing matters under Section 1 of the Sherman Act, the Division's Civil Non-Merger component also prosecutes violations of Section 2 of the Sherman Act, which prohibits monopolization and attempted monopolization, and Section 3 of the Clayton Act, which prohibits tying. Tying is an agreement by a party to sell one product on the condition that the buyer also purchase a different or *tyed* product, or at least agree that he will not purchase that *tyed* product from any other supplier. Whether addressing matters under Sections 1 or 2 of the Sherman Act or Section 3 of the Clayton Act, our Civil Non-Merger enforcement activities rely upon civil compulsory process to investigate the alleged violation.

c. Priority Goals

The Antitrust Division contributes to the FY 2012-2013 Priority Goal, "Protect the American people from financial and healthcare fraud." In order to efficiently and effectively address financial fraud and healthcare fraud, by the end of FY 2013, increase by 5 percent over FY 2011 levels, the number of investigations completed per Department of Justice attorney working on financial fraud and healthcare fraud cases.



5. Exemplar - Criminal

A. Financial Fraud Enforcement

Introduction and Background

Rigorous enforcement of the Sherman Antitrust Act, which authorizes the Antitrust Division to bring criminal prosecutions against those that are involved in contracts, business combinations, and conspiracies that unreasonably restrain the nation's free market economy, is a critical component of the Department's overall battle against financial fraud. Indeed, in FY 2012, the Division filed 67 criminal cases and obtained over \$1.1 billion in criminal fines. In these cases, we charged 16 corporations and 63 individuals, and courts imposed 45 jail terms totaling 33,603 days of jail time. These cases and the underlying investigations were brought in a range of key industries, including real estate, auto parts, and financial services, to name a few.



Because of the importance of criminal antitrust enforcement to the fight against financial fraud, the Antitrust Division has played, and continues to play, a prominent role in the President's Financial Fraud Enforcement Task Force, Exec. Order No. 13519, 74 Fed. Reg. 60,123 (Nov. 17, 2009). In particular, the Division is a key contributor to the efforts of the Task Force to detect and prosecute mortgage frauds, securities and commodities frauds, and frauds preying on funds dedicated to assist in the economic recovery pursuant to the American Recovery and Reinvestment Act.

Mortgage and Foreclosure Fraud

Since the beginning of calendar year 2011, the Antitrust Division has identified a pattern of collusive schemes among real estate speculators aimed at eliminating competition at real estate foreclosure auctions around the country. Instead of competitively bidding at public auctions for foreclosed properties, groups of real estate speculators work together to keep prices at public foreclosure auctions artificially low by paying each other to refrain from bidding or holding unofficial "knockoff" auctions among themselves. While the country continues to face unprecedented home foreclosure rates, the collusion taking place at public auctions on the steps of courthouses and municipal buildings around the country is artificially driving down foreclosed home prices and enriching the colluding real estate speculators at the expense of homeowners, municipalities and lending institutions. The impact of these collusive schemes is far-reaching because they negatively affect home prices in the neighborhoods where the foreclosed properties are located. Similar collusive conduct has also been detected among bidders for public tax liens.



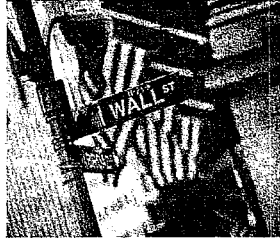
To combat this anticompetitive epidemic, the Antitrust Division, in conjunction with the FBI, developed a Real Estate Foreclosure Initiative. The Initiative includes outreach and training efforts designed to raise awareness of the investigative community and public about bid rigging and fraud at real estate foreclosure and tax lien auctions. The Initiative also includes information sharing and coordinated enforcement efforts with our law enforcement partners meant to facilitate the identification, investigation, and prosecution of bid-rigging and collusive conduct at public auctions.

As of January 2013, as a result of the Division's efforts, 59 defendants have pleaded guilty to real estate foreclosure and tax liens conspiracies across the United States that suppress and restrain competition in ways that harm our communities and already-financially distressed homeowners. The Division is coordinating its Initiative through the Mortgage Fraud Working Group of the Financial Fraud Enforcement Task Force.

Securities and Commodities Fraud

The Antitrust Division has also been integral to the Department's efforts to combat securities, commodities, and corporate and investment frauds. These so called "Wall Street" frauds are at the root of many of the problems that have plagued the nation's markets, businesses and consumers, and continue to act as a drag on the nation's ability to sustain a full economic recovery.

Of particular note, during the past year, the Division, along with other federal agencies, has been investigating criminal conspiracies involving bid-rigging in the municipal bond investments market. The schemes under investigation involve unlawful agreements to manipulate the bidding process on municipal investment and related contracts – financial instruments which were used to invest the proceeds of, or manage the risks associated with, bond issuances by municipalities and other public entities. Critical municipal infrastructure, like roads, schools, and other projects, are supported by the bonds affected by these crimes.



As of January 2013, the Division's ongoing investigation has resulted in criminal charges against 20 former executives of various financial services companies and one corporation. Nineteen of the 20 executives charged have pleaded guilty or were convicted at trial. The remaining executive awaits trial.

The investigation has also produced numerous resolutions with large financial institutions implicated in the schemes, including JPMorgan Chase, UBS AG, Wachovia Bank N.A., Bank of America, and GE Funding Capital Market Services, Inc. These financial institutions have agreed to pay a combined total of nearly **\$750 million in restitution**, penalties and disgorgement to federal and state agencies for their roles in the conduct.

The Division is coordinating its municipal bonds investigation and other efforts in the financial services industries with other members of the Securities, Commodities and Investment Fraud Working Group of the Financial Fraud Enforcement Task Force.

Economic Recovery Fraud

With the passage of the American Recovery and Reinvestment Act of 2009, signed by President Obama in February 2009, the Division's role to uphold the American public's expectation that our nation's \$787 billion investment in economic recovery will not fall victim to fraud and other illegal activity was clearly evident. Accordingly, within one month of the Recovery Act becoming Public Law, the Antitrust Division launched an "Economic Recovery Initiative" to assist in ensuring successful results from implementation of the Recovery Act.



The Economic Recovery Initiative represents the Antitrust Division's commitment to assist federal, state, and local agencies receiving Recovery Act funds to ensure that measures are in place to protect procurement and program funding processes from bid-rigging and other fraudulent conduct, as well as to ensure that those who seek to corrupt the competitive bidding process are prosecuted to the fullest extent of the law.

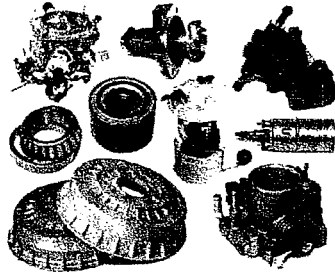
A principal aim of the Initiative is training government officials to prevent, detect, and report efforts by parties to unlawfully profit from stimulus awards before those awards are made and taxpayer money is wasted. This focus reflects the Antitrust Division's experience from investigating and prosecuting fraud that the potential risk of collusion and fraud relating to lucrative government contracts is dramatically minimized when an early and strong emphasis is placed on prevention and detection. Another cornerstone of the Initiative is promoting holistic enforcement of Recovery Act frauds – that is, ensuring that enforcement in this area not be limited to merely criminal and/or civil prosecution, but also includes potential administrative action and suspension and debarment measures.

The Division's Initiative remains a central part of the efforts of the Recovery Act Fraud Working Group of the Financial Fraud Enforcement Task Force. The Task Force's Recovery Act Fraud Working Group, which is co-chaired by the Assistant Attorney General for the Antitrust Division, is responsible for coordinating a national strategy to draw on all the resources and expertise of the Department, as well as other partner agencies, regulatory authorities, and Inspectors General throughout the Executive Branch, to ensure that taxpayer funds are safeguarded from fraud and abuse and that the Recovery Act effort is conducted in an open, competitive, and non-discriminatory manner.

B. Automobile Parts Investigation

Introduction

In an investigation spanning three continents and involving the Federal Bureau of Investigation (FBI), the European Union, Canada's Competition Bureau and the Japanese Fair Trade Commission, the Antitrust Division is looking into the alleged illegal business practices of major automobile parts suppliers. Initially, the investigation centered primarily on wire harnesses used in auto bodies and related products but has since expanded into other automobile parts. This investigation and the resulting penalties impact American automobile manufacturing companies and many foreign producers.



The automobile parts investigation is the **largest criminal investigation the Antitrust Division has ever pursued**, both in terms of its scope and the potential volume of commerce affected by the alleged illegal conduct. The ongoing cartel investigation of price-fixing and bid-rigging in the automobile parts industry has yielded **charges against nine companies and twelve individuals and over \$800 million in criminal fines** in the investigation thus far. Two of the executives charged have agreed to serve two years in prison—the **longest prison terms** imposed on foreign nationals voluntarily submitting to U.S. jurisdiction for an antitrust violation.

Background and Investigation

Wire harnesses are the distribution system of cables and connectors that carry electronic information through the car. The harnesses are generally considered to be the 'central nervous system' of a car, linking the car's computers to the various relevant functions in the vehicle. The list of products involved in the Division's investigation has expanded from wire harnesses to include instrument panel clusters, fuel senders, electronic control units, heater control panels, speed sensor wire assemblies, seatbelts, airbags, and steering wheels.

The Antitrust Division is investigating whether the auto parts companies that provide component parts to vehicle manufacturers such as Honda and Toyota participated in illegal anti-competitive cartel conduct, with some suspected activity dating back to 2000. Specific charges to date include price-fixing and bid-rigging conspiracies.

In some cases, conspirators that have plead guilty to-date carried out the conspiracies by agreeing during meetings and conversations to allocate the supply of the automobile products on a model-by-model basis and to coordinate price adjustments requested by automobile manufacturers in the United States and elsewhere. They sold the auto parts to manufacturers at non-competitive, rigged and fixed prices and monitored the prices to make sure those involved in the conspiracies adhered to the agreed upon bid-rigging and price-fixing schemes.

Results

The following corporate fines and jail sentences have been agreed to by the defendants in the auto parts investigation since the beginning of FY 2011:

Yazaki Corporation	<ul style="list-style-type: none"> • \$470 million—the second largest criminal fine ever for an antitrust violation • wire harnesses and related products, instrument panel clusters, fuel senders • 6 executives ranging from 14 months to 2 years
Fujikawa Electric Company Ltd.	<ul style="list-style-type: none"> • \$20 million • wire harnesses and related products • 2 executives ranging from one year and one day to 14 months
DENSO Corporation	<ul style="list-style-type: none"> • \$78 million • electronic control units and heater control panels • 2 executives ranging from one year and one day to 14 months
Fujikura Ltd.	<ul style="list-style-type: none"> • \$20 million • wire harnesses and related products
Tokai Rika Co. Ltd.	<ul style="list-style-type: none"> • \$17.7 million • interior temperature controls
Autoliv, Inc.	<ul style="list-style-type: none"> • \$14.5 million • seatbelts, airbags, steering wheels
TRW Deutschland Holding GmbH	<ul style="list-style-type: none"> • \$5.1 million • seatbelts, airbags, steering wheels
G.S. Electech Inc.	<ul style="list-style-type: none"> • \$2.5 million • speaker and wire assemblies
Nippon Seiki Co. Ltd.	<ul style="list-style-type: none"> • \$1 million – instrument panel clusters
Unbranded Company (Company A)	<ul style="list-style-type: none"> • 1 executive for one year • anti-vibration rubber parts

Conclusion

The criminal activity associated with the automobile parts investigation had a significant impact on automotive manufacturers in the United States, some of which had been occurring for at least a decade. The conduct also potentially affected commerce on a global scale in other markets where automobiles are manufactured and/or sold.

Criminal antitrust enforcement remains a top priority of the Antitrust Division. The automobile parts investigation continues and additional fines and jail sentences are expected to follow. The importance of rooting out this type of illegal criminal conduct cannot be overstated as it negatively impacts the United States economy and results in higher prices for consumers and businesses.

6. Exemplars – Civil

A. AT&T, Inc. / T-Mobile USA, Inc.

Introduction

In March 2011, AT&T Inc. announced an agreement to purchase T-Mobile USA, Inc. from Deutsche Telekom AG (DT) for \$39 billion – a transaction that would combine the second and fourth-largest U.S. mobile wireless carriers.

Mobile wireless telecommunications services are critically important, with more than 300 million mobile wireless devices in use today in the United States. The industry generates more than \$160 billion in annual U.S. revenues. Mobile wireless services include both voice and data provided to a variety of devices including, for example, feature phones, smart phones, data cards, tablets, and e-readers.



Background and Investigation

In August 2011, following an extensive investigation, the Division sued on behalf of the United States to block the transaction. Subsequently, seven states joined as plaintiff including New York, Washington, California, Illinois, Massachusetts, Ohio, and Pennsylvania -- and the Commonwealth of Puerto Rico.

The Division alleged the transaction would eliminate one of only four nationwide facilities-based mobile wireless telecommunications carriers, lessening competition across the United States for mobile wireless telecommunications services – including in 97 of the top 100 local markets. The four nationwide wireless providers account for more than 90 percent of mobile wireless connections. The Division's investigation focused on the following harmful effects if the merger were allowed to proceed:

- As a significant number of customers tended to switch between AT&T and T-Mobile, the merger would cause a significant loss of head-to-head competition.
- Because T-Mobile was a price leader and an innovative competitor (for instance, being the first carrier to roll out 4G HSPA+ technology nationwide), the merger likely would have resulted in a loss of significant product variety and innovation.
- The reduction in the number of nationwide competitors from four to three likely would have increased the risk of coordinated interaction between carriers, particularly since T-Mobile was—and likely would continue to be—a disruptive influence on the marketplace.

- The merger would have reduced competition nationally for mobile wireless telecommunications services sold to enterprise and government customers. These customers tended to purchase services differently from individual consumers, have somewhat different needs, and rarely considered a non-nationwide or non-facilities-based provider.

Although the defendants argued that the transaction would generate substantial efficiencies, the magnitude of those efficiencies was greatly overstated and could generally be achieved by other less anticompetitive means.

Conclusion

Trial was set for February 2012. Substantial discovery ensued and included:

- Over one million documents produced by the defendants (in addition to the nearly two million produced during the investigation)
- Over 100 third parties served with subpoenas
- The response by both the Division and defendants to numerous interrogatories (i.e. formal, written questions asked by the opposing side)
- The exchange of initial witness lists, and the identification of 20 experts as potential testifiers

In the face of the Department's lawsuit, as well as concerns about the merger expressed by the Federal Communications Commission (FCC), the parties announced their abandonment of the transaction in December 2011. Had this merger been allowed to proceed, the harm to American consumers would likely have been billions of dollars a year in higher prices, as well as reduced choice and less innovation.

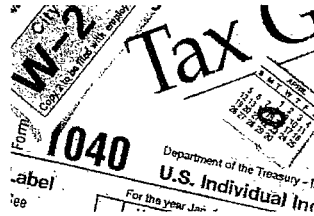
B. H&R Block, Inc. / 2SS Holdings, Inc. (TaxACT)

Introduction

In May 2011, the Department filed an antitrust lawsuit in the U.S. District Court for the District of Columbia seeking to block H&R Block, Inc.'s proposed acquisition of 2SS Holdings, Inc., the makers of the TaxACT digital do-it-yourself ("DDIY") tax preparation products. The Department alleged that H&R Block's acquisition of 2SS would substantially lessen competition in the market for DDIY tax preparation products by combining the second- and third-largest providers in this market.

Background and Investigation

DDIY tax preparation products allow U.S. taxpayers to file their individual tax returns without the difficulties of filling out tax forms by hand, and at a significantly lower cost than hiring a tax professional. With the help of a simple interview process performed through a computer, these products allow taxpayers to provide their personal and financial information, receive completed tax forms, and file their tax returns over the internet or by mail. DDIY tax preparation products are accessible by three different means: online through an internet browser, software installed on a personal computer and downloaded from the internet, and software installed on a personal computer from a disc. These products are used by a significant number of American taxpayers. Out of approximately 140 million Americans who filed individual tax returns in 2010, approximately 35 to 40 million of those taxpayers relied on DDIY products.



The DDIY tax preparation market is highly concentrated. As of tax season 2010, the three largest firms—Intuit (makers of TurboTax), H&R Block, and 2SS—collectively held a 90% share of this market. H&R Block's acquisition of 2SS would have put that 90% share in the hands of two companies, potentially resulting in price increases for DDIY products of over 12%, and eliminating 2SS, which has been a particularly aggressive and innovative competitor. Over the past several years, 2SS has repeatedly forced the industry to offer taxpayers lower-priced and higher-quality DDIY products. The best example of 2SS's leadership in the industry is the fact that it was the first company to offer consumers the ability to electronically file their federal individual tax returns for free. By allowing H&R Block to acquire 2SS, this dynamic and competitive force in the industry would have been eliminated, and American taxpayers would have lost the significant benefits of this competition.

Conclusion

The Department proceeded to trial in September 2011, and in October 2011 the court permanently blocked the acquisition. In an 86-page opinion, the court granted the Department's motion for a permanent injunction and concluded that "anticompetitive effects are a likely result of the merger" As a result, 2SS will remain an option for American taxpayers looking to prepare their tax returns with a DDIY product, and taxpayers will continue to enjoy the benefits that 2SS offers as a competitive force in the DDIY market.

C. Non-Merger: American Express, MasterCard, and Visa: Credit Card Merchant Restraints

Introduction

In 2009, consumers used credit and charge cards issued by American Express, MasterCard, and Visa to make more than \$1.7 trillion in purchases. Merchants paid these three companies an estimated \$35 billion in acceptance costs or 'swipe fees'. A swipe fee is paid every time a credit card is used and merchants must agree to certain rules, or restraints, in order to accept the cards for payment of purchases.



In October 2010, the Antitrust Division and seven states (Connecticut, Iowa, Maryland, Michigan, Missouri, Ohio, and Texas) filed a complaint against American Express, MasterCard, and Visa (the defendants) to prevent them from imposing on merchants certain restraints that insulate the defendants from competition in violation of the Sherman Act.

Background and Investigation

The three defendants provide network services for general purpose credit and charge cards. They operate the infrastructure necessary to authorize, settle, and clear payments made with their cards. Millions of merchants around the United States that accept these cards are consumers of network services.

According to the complaint, American Express, MasterCard and Visa maintained rules that prohibited merchants from encouraging consumers to use lower-cost payment methods when making purchases. For example, the rules prohibited merchants from offering discounts or other incentives to consumers in order to encourage them to pay with credit cards that cost the merchant less to accept. Ultimately, these rules result in consumers paying more for their purchases and increase merchants' costs of doing business.

These restraints allow the defendants to maintain high prices for network services with confidence that no competitor will take away significant transaction volume through competition in the form of merchant discounts or benefits to customers that use lower cost payment options. The defendants' prices for network services to merchants are therefore higher than they would be without the restraints. Because the restraints result in higher merchant costs, and merchants pass these costs on to consumers, retail prices are higher generally for consumers.

Conclusion

Shortly after filing the complaint, the Division reached a final judgment agreement with Visa and MasterCard. Defendant American Express was not a party to the settlement, and the litigation against it is continuing. The final judgment generally prohibits Visa and MasterCard from enforcing any rule or agreement that prevents merchants from offering customers a discount for using a particular card for payment, expressing a preference for the use of a particular card, promoting a particular card, or communicating to customers the estimated costs incurred by the merchant when a customer pays with a particular card.

In July 2011, the Court agreed to the final judgment, agreeing that the Division had demonstrated that “the Proposed Final Judgment furthers the public interest by removing the anticompetitive impact of Visa’s and MasterCard’s anti-steering rules”

V. Program Changes by Item

Item Name: Position/FTE Adjustment

Budget Decision Unit(s): Antitrust

Strategic Goal(s) & Objective(s): **Strategic Goal II:** Prevent Crime, Protect the Rights of the American People and Enforce Federal Law.

Strategic Objective 2.6: Protect the federal fisc and defend the interests of the United States

Organizational Program: Antitrust Division’s Enforcement Programs

Component Ranking of Item: 1

Program Reduction: Positions -50 Atty -10 FTE 0 Dollars \$0

Description of Item

As part of the Department’s evaluation of processes to find the most efficient management of resources, this program change realigns FTP numbers with current staffing levels.

Impact on Performance

The impact on performance for this program change is minimal as it removes only authorized positions that the Antitrust Division is not currently able to fund. With this change, the Division expects to meet all performance goals and enforce its mission. In addition, the Division expects to fully comply with all legally mandated requirements and deadlines.

[illegible]

Approved by: John Ashcroft
JOHN D. ASHCROFT
Attorney General
September 18, 2001

B. Summary of Requirements

Summary of Requirements
 Antitrust Division
 Salaries and Expenses
 (Dollars in Thousands)

	Direct Pos.	FY 2014 Request	
		Estimate FTE	Amount
2012 Enacted	880	705	159,687
2013 Continuing Resolution			
2013 CR 0.612% Increase			977
Total 2013 Continuing Resolution	880	676	160,594
Technical Adjustments			
Adjustment - 2013 CR 0.612%			-977
Total Technical Adjustments	0	0	-977
Base Adjustments			
Transfers:			
JCON and JCON S/TS	0	0	395
Office of Information Policy	0	0	-26
Professional Responsibility Advisory Office (PRAO)	0	0	-123
Pay and Benefits	0	0	816
Domestic Rent and Facilities	0	0	-229
Total Base Adjustments	0	0	823
Total Technical and Base Adjustments	0	0	-154
2014 Current Services	880	676	160,410
Program Changes			
Offsets:			
Position/FTE Adjustment	-50	0	0
Subtotal, Offsets	-50	0	0
Total Program Changes	-50	0	0
2014 Total Request	830	676	160,410
2012 - 2014 Total Change	-50	-29	823

Note: The FTE for FY 2012 is actual and the FY 2013 and FY 2014 FTE are estimates.

B. Summary of Requirements

Summary of Requirements
 Antitrust Division
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	2012 Appropriation Enacted			2013 Continuing Resolution *			2014 Technical and Base Adjustments			2014 Current Services		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Antitrust Division	880	705	159,587	0	676	160,564	0	0	-154	0	676	160,410
Total Direct	880	705	159,587	0	676	160,564	0	0	-154	0	676	160,410
Grand Total, FTE		705			676			0			676	

Program Activity	2014 Increases			2014 Offsets			2014 Request		
	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Antitrust Division	0	0	0	-50	0	0	-50	676	160,410
Total Direct	0	0	0	-50	0	0	-50	676	160,410
Grand Total, FTE		0			0			676	

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101(c))

FY 2014 Program Increases/Offsets by Decision Unit
Antitrust Division
Salaries and Expenses
(Dollars in Thousands)

Program Offsets	Location of Description by Program Activity	Antitrust Division				Total Offsets			
		Direct Pos.	Agt./ Atty.	Est. FTE	Amount	Direct Pos.	Agt./ Atty.	Est. FTE	Amount
Position/FTE Adjustment	Antitrust Division	-50	-10	0	0	-50	-10	0	0
Total Program Offsets		-50	-10	0	0	-50	-10	0	0

D. Resources by DOJ Strategic Goal and Strategic Objective

Resources by Department of Justice Strategic Goal/Objective
Annuity Division
Salaries and Expenses
(Dollars in Thousands)

Strategic Goal and Strategic Objective	2012 Appropriation Enacted			2013 Continuing Resolution			2014 Current Services			2014 Increases			2014 Offsets			2014 Total Request		
	Direct/ Reimb FTE	Amount	Direct/ Reimb FTE	Direct/ Reimb FTE	Amount	Direct/ Reimb FTE	Direct/ Reimb FTE	Amount	Direct/ Reimb FTE	Direct/ Reimb FTE	Amount	Direct/ Reimb FTE	Direct/ Reimb FTE	Amount	Direct/ Reimb FTE	Direct/ Reimb FTE	Amount	Direct/ Reimb FTE
Goal 2 Prevent Crime, Protect the Rights of the American People, and enforce Federal Law																		
2.6 Protect the federal fisc and defend the interests of the United States.	/05	159,587	0	160,564	676	160,410	676	160,410	0	0	0	0	0	0	0	676	160,410	160,410
Subtotal, Goal 2	705	159,587	0	160,564	676	160,410	676	160,410	0	0	0	0	0	0	0	676	160,410	160,410
TOTAL																		

Notes: Excludes Balance Resolution and/or Supplemental Appropriations.

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

Justifications for Technical and Base Adjustments

Artificial Division
Salaries and Expenses
(Dollars in Thousands)

	Direct Pos.	Estimate FTE	Amount
Technical Adjustments			
1 Business Services PL 112-175 section 101 (c) provided 0.612% across the board increase above the current rate for the 2013 CR funding level. This adjustment reverses this increase.	0	0	-977
Transfers			
1 ICJON and JICJON STIS A transfer of \$385,000 is included in support of the Department's Justice Consolidated Office Network (JCON) and JCON STIS programs which will be moved to the Violent Capital Fund and provided as a bludge service in FY2014.	0	0	-377
2 Office of Information Policy (OIP) The component transfers for the Professional Responsibility Advisory Office (PRAO) into the General Administration appropriation will certify appropriated funding and eliminate the current reimbursable financing process. The centralization of the funding is administratively advantageous because it eliminates the paper-intensive reimbursement process.	0	0	0
3 Professional Responsibility Advisory Office (PRAO) The component transfers for the Professional Responsibility Advisory Office (PRAO) into the General Administration appropriation will centralize appropriated funding and eliminate the current reimbursable financing process. The centralization of the funding is administratively advantageous because it eliminates the paper-intensive reimbursement process.	0	0	-26
Pay and Benefits			
1 2014 Pay Raise This request provides for a proposed 1 percent pay raise to be effective in January of 2014. The amount requested, \$595,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$452,200 for pay and \$142,800 for benefits.)	0	0	-123
2 Annualization of 2013 Pay Raise This pay annualization represents first quarter amounts (October through December) of the 2013 pay increase of 0.6% included in the 2013 President's Budget. The amount requested \$130,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$98,800 for pay and \$31,200 for benefits).	0	0	236
3 Employee Compensation Fund This \$-116,000 request reflects anticipated changes in payments to the Department of Labor for injury benefits under the Federal Employees Compensation Act.			565
4 Health Insurance Effective January 2014, the component's contribution to Federal employees' health insurance increases by 3.03 percent. Applied against the 2013 estimate of \$4,220,000, the additional amount required is \$128,000.			130
5 Retirement Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 1.3 percent per year. The requested increase of \$51,000 is necessary to meet our increased retirement obligations as a result of this conversion.			-118
			126
Domestic Rent and Facilities			
1 Domestic Rent This includes Department of Homeland Security (DHS) Federal Protective Service charges, Justice Protective Service charges and other security services across the country. The requested change of \$-229,000 meets these commitments.	0	0	81
Subtotal, Pay and Benefits	0	0	\$10
Domestic Rent and Facilities			
1 Domestic Rent This includes Department of Homeland Security (DHS) Federal Protective Service charges, Justice Protective Service charges and other security services across the country. The requested change of \$-229,000 meets these commitments.	0	0	-229
Subtotal, Domestic Rent and Facilities	0	0	-229
TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS	0	0	-164

Crosswalk of 2012 Availability
Anitrust Division
Salaries and Expenses
(Dollars in Thousands)

Program Activity	2012 Appropriation Enacted w/o Balance Reclamation			Balance Reclamation			Reprogramming/Transfers			Carryover		Recoveries/ Refunds		2012 Actual	
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Amount	Amount	Amount	Amount	Direct Pos.	Actual FTE
Anitrust Division	880	705	155,587	0	0	0	0	0	0	0	1,544	0	880	705	161,131
Total Direct	880	705	155,587	0	0	0	0	0	0	0	1,544	0	880	705	161,131
Grand Total FTE		705		0	0			0		0				705	

Carryover:

FY 2011 funds were carried over from the 15X0316 account. The Division brought forward \$17,373 from prior years' salaries and expenses funding, of which \$1,544 was made available in FY 2012. The remaining of \$15,829 was not available for obligation in FY 2012 and was made available in FY 2013. The FY 2007 authorized level of \$123,000 and \$669 in recoveries not made available in FY 2009; held for prior year real property taxes.

Recoveries/Refunds:

FY 2012 recoveries totaled \$2,172 and were not made available.

G. *sswalk of 2013 Availability*

Crosswalk of 2013 Availability
 Antitrust Division
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2013 Continuing Resolution*			Supplemental Appropriation		Reprogramming/Transfers			Carryover		Recoveries/Refunds		2013 Availability		
	Direct Pos.	Estim. FTE	Amount	Amount		Direct Pos.	Estim. FTE	Amount	Amount		Amount		Direct Pos.	Estim. FTE	Amount
Antitrust Division	880	676	160,564	0	0	0	0	0	4,224	0	0	0	880	676	164,788
Total Direct	880	676	160,564	0	0	0	0	0	4,224	0	0	0	880	676	164,788
Grand Total, FTE		676					0		4,224					676	

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

Carryover:

FY 2012 funds were carried over from the 15X0319 account. The Division brought forward \$19,944 from prior years' salaries and expenses funding, of which \$4,224 was made available in FY 2013. The remaining carryover amount of \$15,720 was not available for obligation in FY 2013 and is comprised of FY 2007 HSR Fee collections in excess of the FY 2007 authorized level of \$125,000.

Summary of Reimbursable Resources

Antitrust Division
Salaries and Expenses
(Dollars in Thousands)

Collections by Source	2012 Actual			2013 Planned			2014 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
Environment and Natural Resource Division	0	0	0	128	0	0	160	0	200	0	0	50
Civil Division	0	0	0	0	0	0	19	0	0	0	0	-19
U.S. Attorney's Office	0	0	0	595	0	0	0	0	0	0	0	0
Council of Economic Advisors	0	0	0	52	0	0	0	0	0	0	0	0
Department Of Commerce	0	0	0	20	0	0	0	0	0	0	0	0
Federal Trade Commission	0	0	0	23	0	0	0	0	0	0	0	0
Office of Attorney Recruitment/Management	0	0	0	14	0	0	0	0	0	0	0	0
Justice Management Division	0	0	0	4,738	0	0	1	0	0	0	0	-1
Budgetary Resources	0	0	0	5,570	0	0	3,170	0	200	0	0	-3,000
	0	0	0	0	0	0	0	0	0	0	0	-2,970

Obligations by Program Activity	2012 Actual			2013 Planned			2014 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
Antitrust Division	0	0	0	5,570	0	0	3,170	0	200	0	0	-2,970
Budgetary Resources	0	0	0	5,570	0	0	3,170	0	200	0	0	-2,970

I. Detail of Permanent Positions by Category

Detail of Permanent Positions by Category

Antitrust Division
Salaries and Expenses
(Dollars in thousands)

Category	2012 Appropriation Enacted		2013 Continuing Resolution		ATBs	Program Increases	2014 Request		Total Direct Pos.	Total Reimb. Pos.
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.			Program Offsets			
Security Specialists (080)	1	0	1	0	0	0	0	2	3	0
Social Science, Economics and Kindred (100-199)	66	0	66	0	0	0	0	-6	60	0
Personnel Management (200-299)	11	0	11	0	0	0	0	0	11	0
Clerical and Office Services (300-399)	154	0	154	0	0	0	0	-16	138	0
Accounting and Budget (500-599)	8	0	8	0	0	0	0	0	9	0
Attorneys (605)	390	0	390	0	0	0	0	-10	380	0
Paralegals / Other Law (900-999)	200	0	200	0	0	0	0	-20	180	0
Business & Industry (1100-1199)	5	0	5	0	0	0	0	0	5	0
Library (1400-1499)	3	0	3	0	0	0	0	0	3	0
Mathematics and Statistics (1500-1599)	9	0	9	0	0	0	0	0	9	0
Information Technology Mgmt. (2210)	32	0	32	0	0	0	0	0	32	0
Total	880	0	880	0	0	0	0	-50	830	0
Headquarters (Washington, D.C.)	633	0	635	0	0	0	0	-50	585	0
U.S. Field	247	0	245	0	0	0	0	0	185	0
Total	880	0	880	0	0	0	0	-50	830	0

J. Financial Analysis of Program Changes

Financial Analysis of Program Changes
Antitrust Division
Salaries and Expenses
(Dollars in Thousands)

Grades	Antitrust Division	
	Program Offsets	
	Direct Pos.	Amount
SES	0	0
GS-15	-16	0
GS-14	0	0
GS-13	0	0
GS-12	0	0
GS-11	0	0
GS-10	0	0
GS-9	0	0
GS-8	0	0
GS-7	-34	0
GS-6	0	0
GS-5	0	0
Total Positions and Annual Amount	-50	0
Total Program Change Requests	-50	0

K. Summary of Requirements by Grade

Summary of Requirements by Grade

Antitrust Division
Salaries and Expenses
(Dollars in Thousands)

Grades and Salary Ranges		2012 Enacted		2013 Continuing Resolution		2014 Request		Increase/Decrease	
		Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount
SES/SL	\$ 119,554 - 179,700	32	0	32	0	32	0	0	0
GS-15	\$ 123,758 - 155,500	340	0	340	0	324	0	-16	0
GS-14	\$ 105,211 - 136,771	56	0	56	0	56	0	0	0
GS-13	\$ 89,033 - 115,742	52	0	52	0	52	0	0	0
GS-12	\$ 74,872 - 97,333	45	0	45	0	45	0	0	0
GS-11	\$ 62,467 - 81,204	40	0	40	0	40	0	0	0
GS-10	\$ 56,857 - 73,917	3	0	3	0	3	0	0	0
GS-9	\$ 51,630 - 67,114	75	0	75	0	75	0	0	0
GS-8	\$ 46,745 - 60,765	28	0	28	0	28	0	0	0
GS-7	\$ 42,209 - 54,875	170	0	170	0	136	0	-34	0
GS-6	\$ 37,983 - 49,375	7	0	7	0	7	0	0	0
GS-5	\$ 37,075 - 44,293	25	0	25	0	25	0	0	0
GS-4	\$ 30,456 - 39,590	6	0	6	0	6	0	0	0
GS-2	\$ 24,865 - 31,292	1	0	1	0	1	0	0	0
Total, Appropriated Positions		880	0	880	0	830	0	-50	0
Average SES Salary			174,387		175,259		175,259		
Average GS Salary			106,780		107,314		109,138		
Average GS Grade			13		13		13		

L. Summary of Requirements by Object Class

Summary of Requirements by Object Class

Antitrust Division
Salaries and Expenses
(Dollars in Thousands)

Object Class	2012 Actual		2013 Availability *		2014 Request		Increase/Decrease	
	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 Full-Time Permanent	551	69,540	527	65,400	527	65,868	0	468
11.3 Other than Full-Time Permanent	154	9,488	149	10,700	149	10,783	0	83
11.5 Other Personnel Compensation	0	722	0	700	0	700	0	0
Overtime	0	565	0	560	0	550	0	0
Other Compensation	0	157	0	150	0	150	0	0
11.8 Special Personal Services Payments	0	228	0	220	0	220	0	0
Total	705	79,976	676	77,020	676	77,571	0	351
Other Object Classes								
12.0 Personnel Benefits	22,230	21,500				21,765		265
13.0 Benefits for former personnel	0	471				400		0
21.0 Travel and Transportation of Persons	1,350	1,350				1,300		-50
22.0 Transportation of Things	615	615				600		-75
23.1 Rental Payments to GSA	22,717	22,789				22,789		0
23.2 Rental Payments to Others	182	180				180		0
23.3 Communications, Utilities, and Miscellaneous Charges	1,679	1,680				1,650		-30
24.0 Printing and Reproduction	397	375				375		0
25.1 Advisory and Assistance Services	53	390				390		0
25.2 Other Services from Non-Federal Sources	29,911	29,750				29,450		-300
25.3 Other Goods and Services from Federal Sources	1,927	1,925				1,900		-25
25.4 Operation and Maintenance of Facilities	75	75				75		0
25.5 Research and Development Contracts	0	0				0		0
25.6 Medical Care	161	160				160		0
25.7 Operation and Maintenance of Equipment	598	800				575		-25
25.8 Substance and Support of Persons	0	0				0		0
26.0 Supplies and Materials	950	925				900		-25
31.0 Equipment	1,548	1,525				1,500		-25
32.0 Land and Structures	433	250				250		0
41.0 Grants, Subsidies, and Contributions	0	0				0		0
42.0 Insurance Claims and Indemnities	188	180				180		0
Total Obligations	165,459	161,749				162,010		261
Subtract - Unobligated Balance, Start-of-Year	-17,873	-19,944				-19,944		0
Subtract - Transfers/Reprogramming	0	0				0		0
Subtract - Recoveries/Refunds	2,172	-1,195				-1,600		-415
Subtract - Unobligated Unavailable for Obligation	-5,771	19,944				19,944		0
Add - Unobligated End-of-Year, Available	0	0				0		0
Add - Unobligated End-of-Year, Expiring	0	0				0		0
Total Direct Requirements	0	159,587	0	160,564	0	160,410	0	-154

*The 2013 Availability includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (e)).

U.S. Department of Justice

United States Attorneys



**FY 2014 Performance Budget
Congressional Submission**

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I. Overview for the United States Attorneys

A. Introduction

The United States Attorneys' mission supports two of the Department of Justice's strategic goals - (1) to prevent terrorism and promote the nation's security consistent with the rule of law, and (2) to prevent crime, protect the rights of the American people, and enforce federal law. In FY 2014, the United States Attorneys' request \$2,007,717,000 and 10,814 positions, of which 5,566 are attorneys. The budget request includes a program increase of 190 positions (including 120 attorneys), 95 FTE, and \$26,500,000; and program offsets totaling \$17,500,000.

Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the internet using the Internet address: <http://www.justice.gov/02organizations/bpp.htm>.

The United States Attorneys serve as the nation's principal litigators. In response to the mandates of the Constitution that required establishment of a system of federal courts, Congress enacted the Judiciary Act of 1789 directing the President to appoint, in each federal district, "a person learned in the law to act as an attorney for the United States." Before 1870, the United States Attorneys acted independently, but since then they have worked under the direction of the U.S. Department of Justice.

There are 94 United States Attorneys' Offices (USAOs) located throughout the United States, Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands. The 93 United States Attorneys (Guam and the Northern Mariana Islands are under the direction of a single U.S. Attorney) are appointed by, and serve at the discretion of, the President of the United States, with the advice and consent of the United States Senate. The map on page 3 depicts the United States Attorneys' current district and branch office locations.

The United States Attorneys report to the Attorney General through the Deputy Attorney General. Each United States Attorney serves as the chief federal law enforcement officer within his or her judicial district and, as such, is responsible for the prosecution of criminal cases brought by the federal government; the litigation and defense of civil cases in which the United States is a party; and the handling of criminal and civil appellate cases before United States Courts of Appeals.

The United States Attorneys and their Assistant United States Attorneys (AUSAs) serve in small towns and big cities, representing the interests of the United States. Through their hard work and dedication, justice is served throughout the nation. The USAOs conduct most of the trial work in which the United States is a party. Although caseloads vary by districts, each USAO has a diverse docket of cases and a mix of simple and complex litigation. Each United States Attorney

exercises wide discretion in the use of his or her resources to further local priorities and serve community needs.

United States Attorneys provide advice and counsel to the Attorney General and senior policy leadership through the Attorney General's Advisory Committee (AGAC) and its various subcommittees and working groups. The AGAC was established in 1973 to give United States Attorneys a voice in Department policies and to advise the Attorney General. The Committee is comprised of approximately 19 members, including 16 United States Attorneys, a Criminal Chief, a Civil Chief and an Appellate Chief. The Committee members meet regularly with the Deputy Attorney General and Attorney General, and represent various federal judicial districts, geographic locations, and different sized offices. The AGAC has subcommittees and working groups to address the Administration's priorities.

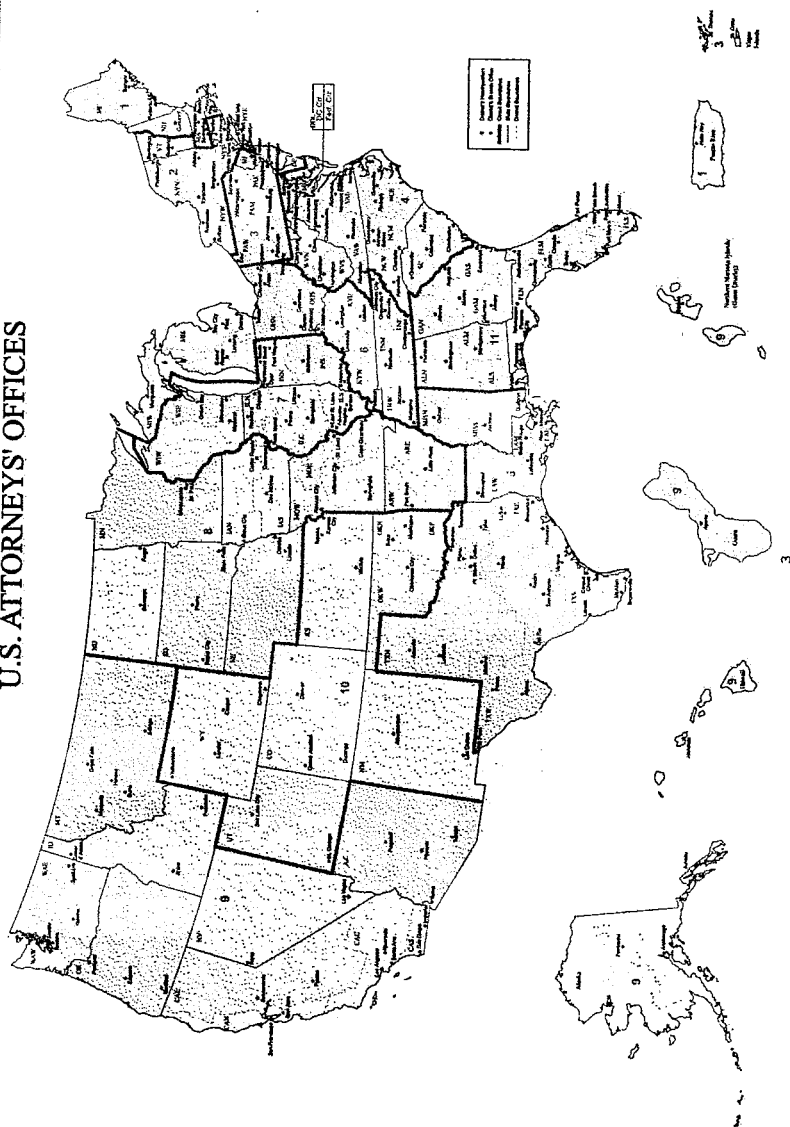
The subcommittees include:

- Border and Immigration Law Enforcement
- Civil Rights
- Criminal Practice Subcommittee
- Cyber/Intellectual Property
- LECC/Victim/Community Issues
- Native American Issues
- Office Management and Budget
- Terrorism/National Security
- Violent and Organized Crime
- White Collar/Fraud

The working groups include:

- Administrative Officers
- Appellate Chiefs
- Child Exploitation and Obscenity
- Civil Chiefs
- Controlled Substances and Asset Forfeiture
- Criminal Chiefs
- Department
- Environmental Issues
- Forensic Science
- Health Care Fraud
- Local Government Coordination
- Medical Marijuana
- Security
- Service Members and Veterans Rights

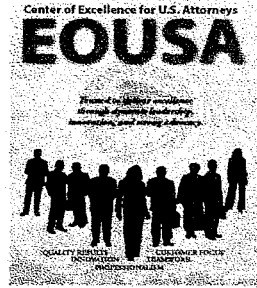
U.S. ATTORNEYS' OFFICES





EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS

In 1953, Attorney General Order No. 8-53 established the Executive Office for United States Attorneys (EOUSA) to "provide general executive assistance and supervision to the offices of the United States Attorneys." One of the original directives instructed the Executive Office to "serve as liaison, coordinator, and expeditor with respect to the Offices of the United States Attorneys, and between these offices and other elements of the Department [of Justice]." Under the guidance of the Director of EOUSA, EOUSA staffs provide the 94 United States Attorneys' Offices with general executive assistance and supervision; policy development; administrative management direction and oversight; operational support; and coordination with other components of the Department and other federal agencies. These responsibilities include legal, budgetary, administrative, and personnel services, as well as continuing legal education. EOUSA provides support and assistance to approximately 11,600 employees in 250 staffed offices throughout the country. See Exhibit A for an organization chart of EOUSA. As depicted in the organization chart, specific offices and functions of EOUSA fall under the Director of EOUSA. The Director has a Principal Deputy Director and Chief of Staff and three Deputy Directors.

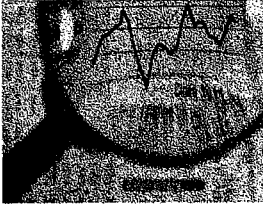


The **Principal Deputy Director and Chief of Staff** has responsibility and oversight of the three **Deputy Directors** and the **Office of Planning, Evaluation, and Performance (PEP)**. The PEP office comprises three staffs: the **Evaluation and Review Staff (EARS)**; the **Data Analysis Staff**; and the **Planning and Performance Staff**. Functions of these three staffs are outlined below:

- **Evaluation and Review Staff (EARS):** The Director of EOUSA is required under 28 C.F.R. Part 0.22 to evaluate the performance of the USAOs, to make appropriate reports, and to take corrective actions if necessary. An evaluation program enables EOUSA to fulfill this responsibility. Important to meeting these regulatory and statutory requirements, the evaluation program provides on-site management assistance to United States Attorneys, as well as a forum for evaluators and the office being evaluated to share information and innovative ideas. The feedback provided to EOUSA and the Department assists in future planning on possible improvements, and provides information about the work being performed in offices around the country.



- The **Data Analysis Staff** is the primary source of statistical information and analysis for EOUSA. The staff provides data and analysis to EOUSA components allowing them to respond to requests from, among others, the Department, the White House, Congress, and the public. The staff also provides the United States Attorney community comprehensive quarterly analysis of work-year, caseload and workload information and produces the United States Attorneys' Annual Statistical Report. During FY 2012, the Data Analysis Staff responded to 5,010 requests for statistical, narrative and analytical information. In FY 2014, the United States Attorneys' community will continue to assess data analysis capabilities to identify cost-effective crime reduction strategies.



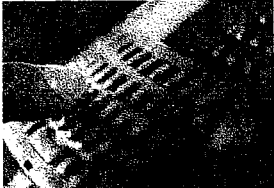
- The **Planning and Performance Staff** serves as both the forward-looking evaluator of USAO needs, as well as the assessor of USAO performance relative to allocated staffing resources. This unit's work introduces into the decision-making process a metrics-based foundation which allows USAO management to evaluate the work of line AUSAs by utilizing objective data.

The **Deputy Director for Administration and Management** has responsibility over four program/functional areas; these include **Financial Management and Planning, Information Technology, Human Resources, and Operations**. Specific functions of these program areas are outlined below:

- The **Chief Financial Officer (CFO)**, through the **Financial Management and Planning Staff (FMP)**, is responsible for budget formulation, budget execution, financial management, audit reviews, the detailee program, and long-range planning. The CFO is a key advisor to the Director of EOUSA. The CFO also provides the Director of EOUSA with expert advice on an annual budget of approximately \$2 billion, full-time equivalent (FTE) allocations, and reimbursable agreements with the Department and other federal agencies. The FMP staff consolidates resource needs and formulates an annual budget submission for presentation to the Department, the Office of Management and Budget (OMB), and Congress. It also manages the day-to-day financial operations through daily contact with the USAOs and through review of regular accountability reports. An internal Audit and Review Staff participates with the EARS in evaluating internal controls in the USAOs and is also responsible for preparing districts for the annual independent federal financial audit. The Detailee Program Staff initiates and coordinates all detail assignments, both internal and external to our community. The Financial Systems Support Group (FSSG) provides financial systems support and expertise to the USAOs on all Departmental and EOUSA automated financial and accounting systems. FMP also develops performance measures for the United States Attorneys in accordance with the Government Performance and Results Act (GPRA) and coordinates quarterly status reporting and program assessments.



- The **Chief Information Officer (CIO)** is responsible for providing advice and assistance to the Director of EOUSA and the senior staff to ensure that Information Technology (IT) is acquired and managed according to Department and EOUSA policies and procedures. The CIO ensures the integration of IT into strategic planning, acquisition, and program management processes to support the mission of the United States Attorney community. The CIO directs and manages the following staffs: The **Case Management Staff** provides case management systems. The **Office Automation Staff** supports the purchase and installation of computer systems, equipment and software, maintenance of hardware and software, and end-user training. The **Telecommunications and Technology Development Staff** provides administrative and technical support to the USAOs in all telecommunications activities, including voice, data and video. The **Information Security Staff** ensures the confidentiality, integrity, and availability of information and information systems to best support the mission of the United States Attorneys. Currently, the **Records Information Management Staff** is developing an Enterprise Information Management (EIM) system to both expand and reorganize the electronic records and document management capabilities of all USAOs. The **Enterprise Voice-over Internet Protocol (EVoIP) Staff** implements and maintains the next generation telephone service/system that integrates into the computer system, creating a more effective method of communication to maximize return on investment and contribute to the mission statement of the United States Attorneys organization at approximately 250 sites worldwide.


- The **Human Resources Staff** assists EOUSA and the USAOs by providing employment services in such areas as position classifications, staffing, compensation, employee benefits, performance management, pre-employment security, and employee assistance. Staff members are responsible for policy, guidance, personnel actions, training, resources, and initiatives related to these programs and activities.
- The **Operations Section** is made up of three functional areas as follows: The **Facilities and Support Services (FASS) Staff** provides direct support and oversight of all USAOs in the areas of real property management, including space acquisition, relocation, design, repair, and management of rent payments. Support services include forms management, printing, and mail metering. The **Acquisitions Staff** supports both EOUSA and the USAOs by issuing contracts for supplies/services nationwide in compliance with applicable federal, departmental, and other regulations, policies, and procedures. The **Security Programs Staff** provides security program support for the USAOs, including policy and procedural assistance, training, education and awareness efforts, and emergency and contingency planning.



The Deputy Director and Counsel to the Director oversees the Legal and Victim Programs Staff as well as the Communications and Law Enforcement Coordination Staff.

- The Office of Legal and Victim Programs (OLVP) includes four staffs: **Asset Recovery, White Collar and Civil Litigation, Victim-Witness and Indian, Violent and Cyber Crimes**. The **Asset Recovery Staff (ARS)** supports the collection and enforcement efforts of district financial litigation programs, asset forfeiture programs and bankruptcy. ARS assists in the development of financial litigation policy, development and implementation of procedures and programs, and provides liaison functions within the Department and with outside agencies. The **White Collar and Civil Litigation Staff (WCCL)** provides guidance and support to the USAOs in the areas of health care fraud, white collar crime and civil defensive litigation and assist in the development of national policies and initiatives. In addition, WCCL coordinates the activities of the Affirmative Civil Enforcement Program, which uses civil statutes for federal law enforcement efforts in fighting economic fraud. The **Indian, Violent and Cyber Crimes Staff (IVCC)** provides guidance and support to the USAOs in the areas of Native American issues, computer crime and intellectual property, immigration and border security, violent crime and gangs, and narcotics. The staff also provides management support for Project Safe Neighborhoods and Project Safe Childhood.

The **Victim-Witness Staff** provides guidance and support for personnel in the USAOs who handle victim notification, explain to victims the criminal justice process, prepare victims and witnesses for testimony and allocution, coordinate and accompany victims and witnesses to court proceedings, and provide victims with service referrals and emergency assistance. Victims' rights have taken on new importance since the passage of the Crime Victims' Rights Act of 2004, which provided victims with enumerated rights and, for the first time at the federal level, the mechanisms to enforce their rights. Victims are now playing a more central role in the criminal process and exercising their rights in greater numbers than ever before.

- The **Communications and Law Enforcement Coordination Staff (CLEC)** supports EOUSA and the USAOs in the coordination of key initiatives with federal, state, local, and tribal law enforcement partners, works closely with the Department's Office of Public Affairs, handles external communication responsibilities, and conducts outreach to community groups. Community outreach activities and crime prevention and reduction efforts are examples of the many priorities within the United States Attorney community. In FY 2014, the United States Attorneys will continue to expand district community outreach and engagement efforts

The CLEC also manages the Law Enforcement Coordination (LEC) Program in the USAOs. At the district level, LEC coordinators carry out the important role of coordination and liaison with federal, state, and local law enforcement, and with members of the community on various crime reduction programs. Each district's LEC Committee is under the supervision of the United States Attorney, who serves as the committee chairperson or co-chairperson. Through the LEC program, training is provided to federal, state, and local law



enforcement in areas such as anti-terrorism, gun crime, asset forfeiture, gang investigations, racial profiling, domestic violence, emerging drug trends, community policing, victim issues, and officer safety.

The **Deputy Director for Legal Management** provides managerial guidance to the following offices and staffs:

- The **Office of Legal Education (OLE)** develops, conducts, and authorizes the training of all federal legal personnel. OLE coordinates legal education and attorney training for the Department of Justice, other federal departments and agencies, as well as state and local law enforcement. OLE is a separate decision unit of the budget and its functions and mission, which are largely completed at the National Advocacy Center (NAC) in Columbia, South Carolina, are discussed in greater detail in Section IV.
- The **Freedom of Information and Privacy Act (FOIA) Staff** processes all FOIA and Privacy Act requests for records located throughout EOUSA and the USAOs, provides legal guidance to the USAOs concerning FOIA/Privacy Act issues, represents them in administrative appeals, and assists AUSAs and Department of Justice attorneys in litigation in federal courts by providing draft pleadings and preparing legal documents.
- The **Equal Employment Opportunity (EEO) Staff** which provides centralized leadership, coordination, and evaluation of all equal employment efforts within EOUSA and the USAOs is comprised of two components – Complaint Processing and Affirmative Employment/Special Emphasis Programs. The EEO mission supports the USAOs and EOUSA by providing timely and impartial customer service in the areas of conflict resolution; EEO complaint processing; civil rights policy development and training; language assistance plans; and by conducting proactive diversity initiatives through outreach and recruitment.
- The **General Counsel's Office (GCO)** provides advice to the USAOs and EOUSA on a broad array of legal and ethical issues. The GCO provides guidance to USAOs and EOUSA personnel regarding ethics and standards of conduct matters including conflicts of interest, recusals, outside activities, gifts and financial disclosures, allegations of misconduct, personnel legal issues, discovery requests and compliance with subpoenas. The GCO is also responsible for the employee relations programs of EOUSA and the USAOs.





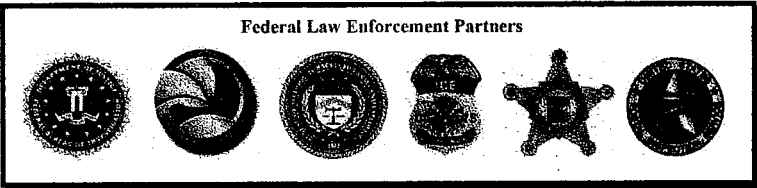
CRIMINAL PROSECUTIONS

The USAOs investigate and prosecute the vast majority of criminal cases brought by the federal government – representing a more diverse workload than ever before. The types of cases include international and domestic terrorism; immigration; child exploitation and obscenity; firearms and violent crime; identity theft; public corruption; procurement, securities and mortgage fraud; gangs and organized crime; drug enforcement; human trafficking; and criminal civil rights. Many of these cases involve multiple defendants and are extremely complex. The nature of today's crimes has required the United States Attorney community to become conversant in a wide range of fields, such as banking and health care, computer technology, securities, foreign cultures and languages, and manufacturing processes affected by environmental and other federal regulations.



The United States Attorneys receive most of their criminal referrals, or "matters," from federal investigative agencies, including the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA), the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the United States Immigration and Customs Enforcement (ICE), the United States Secret Service, and the United States Postal Inspection Service. The USAOs also receive criminal matters from state and local investigative agencies, as well as violations reported by private citizens. Following careful consideration of each criminal matter, the United States Attorneys decide the appropriateness of bringing criminal charges and, when deemed appropriate, initiate prosecution. Except for misdemeanor offenses and instances in which an alleged offender waives the right to a grand jury indictment, the United States Attorneys present evidence against an alleged offender to a grand jury. The grand jury then decides whether to return an indictment and, if so, the United States Attorney then presents the criminal charges in open court at the defendant's arraignment.

Federal Law Enforcement Partners





Although historically a large number of criminal defendants plead guilty prior to trial, a United States Attorney must always fully investigate the crime, prepare the charging document, and be ready to go to trial. Consistent preparation for trial minimizes the risk of dismissal for noncompliance with the Speedy Trial Act and strengthens the government's position in negotiations with defense counsel for a guilty plea. Pre-trial discovery practice also strengthens the government's position. When a defendant does not plead, a trial is necessary. The United States Attorney then presents factual evidence to the jury, or to the judge in a non-jury (bench) trial. If the defendant is convicted, the United States Attorney must prepare and present evidence at the defendant's sentencing hearing and defend the conviction at post-trial hearings and on appeal. The USAOs handle most criminal appeals at the intermediate appellate level. After filing an appeal brief, the United States Attorney may be required to participate in oral argument before a United States Court of Appeals. If there is a further appeal, the United States Attorney may be called upon to assist the Solicitor General in preparing the case for review by the United States Supreme Court.

CIVIL LITIGATION

The United States Attorneys initiate civil actions, referred to as affirmative litigation, to assert and protect the United States' interests. They also defend the United States' interests in lawsuits filed against the government, referred to as defensive civil litigation. In other civil cases, the United States is a third party, creditor, or intervener.

Examples of affirmative litigation include civil actions brought to: enforce the nation's environmental, admiralty, and civil rights laws; represent the government's interests in bankruptcy actions; recoup money and recover damages resulting from federal program and other fraud; enforce administrative summonses; and forfeit assets seized by federal, state, and local law enforcement.

Defensive litigation includes actions seeking monetary damages for alleged torts, contract violations, and discrimination by the United States, its agents and employees. It also includes defending: suits challenging government administrative actions, including Social Security disability determinations; habeas corpus petitions, and constitutional challenges to statutes and other federal policies. The USAOs represent and defend the government in its many roles – as employer, regulator, law enforcer, medical care provider, revenue collector, contractor, procurer, property owner, judicial and correctional systems managers, and administrator of federal benefits. When the United States is sued, the Department of Justice must be its legal representative.

Civil defensive work is unique because it is non-discretionary and non-delegable. Unlike criminal matters, civil defensive cases cannot be declined to manage or reduce an office's caseload. All cases filed against the United States, its agencies, and employees in their official capacities must be defended.



CRIMINAL AND CIVIL APPEALS

Appeals are generally time-consuming, requiring a thorough review of the entire record in the case, the filing of a brief and reply brief, and, in many cases, participation in oral argument before the Court of Appeals in the city where the circuit is based. Furthermore, the complexity of appellate work and the time required to handle that work increases when convictions are based on complex facts, such as those commonly found in cases involving drug trafficking, organized crime, financial and mortgage fraud, and public corruption.

The appellate workload of the United States Attorneys fluctuates due to appeals and post-sentencing motions prompted by Supreme Court rulings, legislative changes, and amendments to the United States Sentencing Guidelines (Guidelines). For example, in FY 2008, the Guidelines were amended to increase the amount of crack cocaine needed to trigger offense levels under § 2D1.1.

CRIMINAL AND CIVIL DEBT COLLECTION

The USAOs are responsible for collecting both criminal and civil debt for the federal government. Each USAO has a Financial Litigation Unit (FLU) responsible for criminal and civil debt collection activities as well as an Affirmative Civil Enforcement staff devoted to civil debt collection.

Debts are ordered to be collected from a criminal defendant when the defendant is sentenced by the court. These debts may be in the form of restitution to crime victims, fines imposed by the court to penalize criminals, special assessments on each criminal conviction count, costs of prosecution and other costs, or forfeitures of appearance bonds. Interest may also be collected in certain cases. When restitution is ordered, the USAOs are involved in collecting federal restitution payments, or restitution which is owed to the United States, and in collecting non-federal restitution, or that which is owed to private individuals and entities. As a result of the Mandatory Victims Restitution Act (MVRA), courts must impose monetary restitution orders in all violent crimes and most property crimes. United States Attorneys are required to enforce restitution orders on behalf of all federal crime victims.

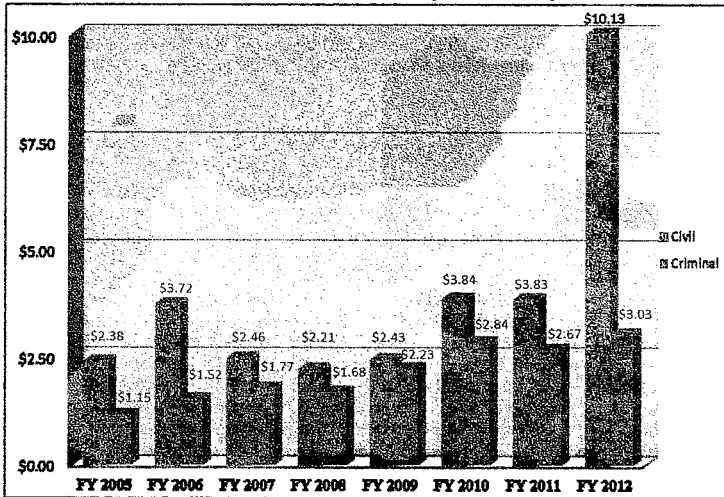
The United States Attorneys are also the legal representatives for other federal agencies to pursue repayment of debts. For example, when federal agencies lend money and the recipients default on repayment, or when federal agencies have paid on guaranteed loans that have not been repaid as provided for in the lending agreement, the United States Attorneys pursue repayment of the debt. The Departments of Agriculture, Education, Health and Human Services, Housing and





Urban Development, Transportation, Veterans Affairs, and the Small Business Administration are some of these client agencies. The United States Attorneys file suit to obtain judgments to collect debts, foreclose on real property, compel physicians to repay or fulfill their commitment to the Public Health Service in return for education grants, sue to set aside fraudulent transfers of property which could be used to satisfy defaulted loans, and manage debtor repayment schedules. The table below illustrates the significant amount of debts collected each year from FY 2005 through FY 2012.

Debt Collection Chart (in billions)



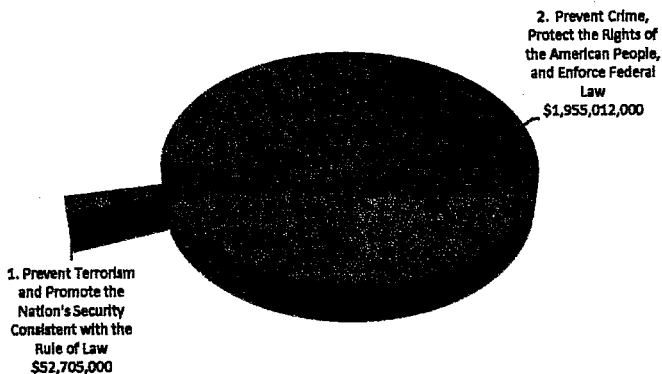
In FY 2012, the USAOs collected \$13.1 billion of criminal and civil debts owed. Of the total debts collected, USAOs recovered: (1) \$3.0 billion in criminal debts; and (2) \$10.1 billion in civil debts. Recoveries in the areas of health care and financial and mortgage fraud contributed to the surge in collections in FY 2012. The United States Attorneys' FY 2012 collection efforts, handled by a very small percentage of the total workforce, returned to the Treasury over six times the \$1.96 billion appropriated in the FY 2012 budget for the entire United States Attorney community.



B. Issues, Outcomes, and Strategies

The following chart and descriptions are a brief summary of the Department's Strategic Goals and Objectives in which the United States Attorneys play a role.

FY 2014 Total Request by DOJ Strategic Goal



DOJ Strategic Goal 1: Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law (\$52,705,000)

- Prosecute those involved in terrorist acts (1.2).

DOJ Strategic Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law (\$1,955,012,000)

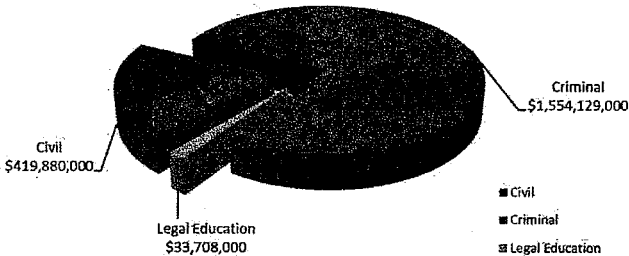
- Combat the threat, incidence, and prevalence of violent crime (2.1).
- Prevent and intervene in crimes against vulnerable populations; uphold the rights of, and improve services to, America's crime victims (2.2).
- Combat the threat, trafficking, and use of illegal drugs and the diversion of licit drugs (2.3).
- Combat corruption, economic crimes, and international organized crime (2.4).
- Promote and protect Americans' civil rights (2.5).
- Protect the federal fisc and defend the interests of the United States (2.6).



C. Full Program Costs

The United States Attorneys' \$2,007,717,000 budget request for FY 2014 is divided into three decision units: criminal, civil, and legal education.

FY 2014 Budget Request by Decision Unit



Some programs, as well as management and administration costs, cross decision units. Both performance and resource tables within each decision unit define the total costs of achieving the strategies the United States Attorneys will employ in FY 2014. The various resource and performance charts incorporate the costs of lower level strategies which also contribute to the achievement of objectives, but which may not be highlighted in detail in order to provide a concise narrative. Also included are the indirect costs of continuing activities, which are central to the operations of each decision unit. This request will fund the United States Attorneys' role in supporting the Department's Strategic Plan. We will continue to provide federal leadership in preventing and controlling crime and seeking just punishment of those guilty of unlawful behavior.

D. Performance Challenges

The challenges that impede progress toward the achievement of agency goals are complex and ever-changing. National priorities were shifted after September 11th as resources and personnel were redirected to prosecute the Global War on Terror, impacting everyone in the law enforcement and intelligence community. The current economic climate requires that the United States Attorney community continue to focus attention on financial and mortgage fraud. Technological developments and criminal behavior are factors that broadly impact law enforcement practices and pose challenges that demand attention.



External Challenges

The United States Attorneys, as with other federal organizations throughout the entire federal government, continue to face external challenges.

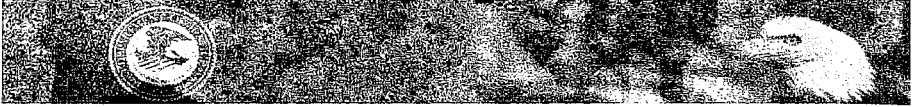
Coordination activities with federal, state, and local agencies involve non-traditional roles for AUSAs and present challenges as we continue to coordinate efforts in areas such as combating terrorism, financial and mortgage fraud, border enforcement/prosecution, gun violence reduction, disrupting and dismantling drug organizations, and child exploitation. In FY 2014, the United States Attorneys will continue to expand district community outreach and engagement efforts.

In addition, the economy and emerging criminal activities, many of which are often driven by technology such as cybercrime, are external challenges beyond our control. Downturns in the economy often correlate with increases in criminal activity. As a result of the recent economic climate, the number of active FBI mortgage fraud investigations has more than tripled in the last four years. The reports document billions of dollars in losses. Inevitably, these investigations will result in more referrals for prosecution to the USAOs throughout the country.

We will continue to focus on areas within our spheres of influence and control, concentrating on coordination efforts with federal, state, and local agencies, and ensuring our workforce is trained for emerging and complex issues.

Internal Challenges

One internal challenge to the United States Attorney community is keeping the workforce flexible and adaptable. Over the past few years, terrorism, financial and mortgage fraud, violent crime and gangs, immigration, internet-related crime, and child exploitation have emerged as important national priorities. The United States Attorney community needs to be able to shift resources in order to respond to changes in case type and case load. The United States Attorneys have developed an effective allocation process that distributes new positions and funding to districts with the greatest demonstrated need. Necessary training is provided through the NAC to ensure that attorneys and support staff have the necessary expertise in these areas. Regular reviews and monitoring of case work, resources and USAOs' needs are essential to continued responsiveness.



II. Summary of Program Changes

In FY 2014, the United States Attorneys' budget request is \$2,007,717,000, which includes a program increase of \$26,500,000 and program offsets of \$17,500,000. The following program changes are outlined in the chart below:

Item Name	Description				Page
	Purpose	Pos.	FTE	Dollars (\$000)	
Financial and Mortgage Fraud	These prosecutorial resources will enable the United States Attorney community to quickly address the increasing number of financial and mortgage fraud cases.	190	95	26,500	43
Overhead Reductions	The United States Attorneys will focus on reducing overhead costs in areas which include, but are not limited to the following: space, telecommunications, operations and maintenance of equipment, guard services, security investigations and centralized common administrative services.	0	0	(17,500)	46
TOTAL		190	95	9,000	



III. Appropriations Language and Analysis of Appropriations Language

Appropriations Language

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, [\$1,974,378,000] \$2,007,717,000: *Provided*, That of the total amount appropriated, not to exceed \$7,200 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$25,000,000 shall remain available until expended.



IV. Decision Unit Justification

A. CRIMINAL

Criminal Litigation	Perm. Pos.	FTE	Amount
2012 Enacted	8,422	7,719	1,527,000,000
2013 Continuing Resolution*	8,422	7,731	1,531,451,000
Adjustments to Base and Technical Adjustments	(5)	(5)	20,965,000
2014 Current Services	8,417	7,726	1,552,416,000
2014 Increases	114	57	15,485,000
2014 Offsets	0	0	(13,772,000)
2014 Request	8,531	7,783	1,554,129,000
Total Change 2013-2014	109	52	22,678,000

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101(e)).

Criminal Litigation Information Technology Breakout	Perm. Pos.	FTE	Amount
2012 Enacted	325	325	140,436,000
2013 President's Budget	325	325	142,683,000
Adjustments to Base and Technical Adjustments	19	19	4,583,000
2014 Current Services	344	344	147,266,000
2014 Request	344	344	147,266,000
Total Change 2013-2014*	19	19	4,583,000

*In order to more accurately reflect Information Technology resources across the United States Attorneys' three Decision Units, adjustments have been made within each of the Decision Units in FY 2014.



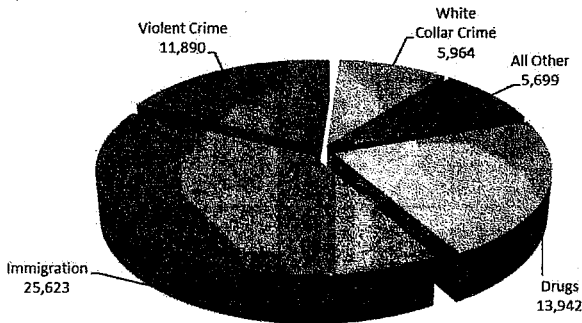
1. Program Description—Criminal Decision Unit

The USAOs investigate and prosecute the vast majority of criminal cases brought by the federal government - with a more diverse and complex workload than ever before. For example, criminal caseloads include: international and domestic terrorism, immigration and border security, firearms and gangs, child exploitation and obscenity, complex fraud schemes (including health care fraud, financial and mortgage fraud and computer fraud), environmental crime, public corruption, organized crime, drug enforcement, civil rights violations, human trafficking and cases involving multiple defendants and international organizations.

The USAOs receive most of their criminal referrals, or "matters," from federal investigative agencies or become aware of criminal activities in the course of investigating or prosecuting other cases. They also receive criminal matters from state and local investigative agencies, as well as those reported to the USAOs by citizens. After careful consideration of each criminal matter, the United States Attorney decides the appropriateness of bringing criminal charges and initiates prosecution.

Criminal Workload

FY 2012 Cases Filed – 63,118



During FY 2012, the USAOs filed 63,118 criminal cases against 85,621 defendants in United States District Court. The number of new cases filed increased by approximately five percent from FY 2005 to FY 2012 – rising from 60,062 cases to 63,118.

A total of 65,230 cases against 87,709 defendants were closed during FY 2012. Of the 87,709 defendants whose cases were closed, 92 percent or 80,963, either pled guilty or were found guilty. Of these, 64,626 received prison sentences, and 148 guilty defendants received sentences of life imprisonment. The rate of convicted defendants who received prison sentences has been 80 percent over the last two years.

PERFORMANCE AND RESOURCES TABLE

Decision Unit: Criminal (DOJ Strategic Goal/Objective – Goal I: 1.2 ; Goal II: 2.1, 2.2, 2.3, 2.4, 2.5, 2.6)

RESOURCES		Final Target		Actual		Projected		Changes		Requested (Total)	
TYPE/ STRATEGIC OBJECTIVE	Performance Measure	FY 2012		FY 2012		FY 2013		Current Services Adjustments and FY 2014 Program Changes		FY 2014 Request	
		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
CRIMINAL LITIGATION Reimbursable FTE and Costs (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		7,719	1,527,000	7,719	1,527,000	7,731	1,531,451	52	22,676	7,783	1,554,129
		1,224	[254,920]	1,224	[254,920]	1,292	[262,273]	29	[11]	1,321	[262,264]
PERFORMANCE		FY 2012		FY 2012		FY 2013		Current Services Adjustments and FY 2014 Program Changes		FY 2014 Request	
Performance Measure											
Workload	Terrorism/Terrorist-Related	356	52,059	356	52,059	356	52,788	0	766	356	53,574
Performance Measure	Number of Cases - Defendants Handled	181,806		201,413		181,806					181,806
Performance Measure	Total Defendants Terminated	90,461		87,769		90,461					90,461
Performance Measure	Total Defendants Guilty	83,860		80,963		83,860					83,860
Performance Outcome	Percentage of Cases Favorably Resolved	90.00%		92.00%		90.00%					90.00%

Data Definition, Validation, Verification, and Limitations: Data is collected from the USA-5 monthly Terrorism Summary Report System, which summarizes the use of personnel resources allocated to USAOCs. Data is also taken from the United States Attorney's Central Case Management System, which contains criminal information used in supervisory attorneys and legal clerks in each district. The USAOCs are required to submit bi-annually case data certifications to EOUSA. The data is reviewed by knowledgeable personnel such as the USAOC's attorneys and support personnel are responsible for ensuring that local procedures are followed for maintaining the integrity of the data in the system. Terrorism cases include hoax and financing cases, as well as the traditional domestic and international terrorist cases. Terrorism-related cases involve national security/criminal infrastructure, which are prosecuted against defendants whose criminal conduct may or may not be terrorism-related, but whose conduct involves national security/criminal infrastructure. Note that the number of terrorist convictions does not reflect the range of terrorism cases prosecuted. USAOCs are required to report all terrorism cases, and not just those that result in criminal prosecutions. Some cases are dropped because of insufficiency of evidence, prosecutive difficulties, or other factors. Some cases are dropped because of intelligence gathering and other national security considerations.

PERFORMANCE MEASURE TABLE												
Decision Unit: Criminal												
Performance Report and Performance Plan Targets			FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012		FY 2013	FY 2014
			Actual	Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target
Performance Measure	Total Defendants Terminated		82,343	78,751	85,083	88,821	88,389	90,461	90,461	90,461	90,461	90,461
Performance Measure	Total Defendants Guilty		75,650	72,436	78,140	81,577	81,934	83,860	83,860	83,860	83,860	83,860
OUTCOME Measure	Percentage of Cases Favorably Resolved		91.9%	92.0%	91.8%	91.8%	92.7%	92.7%		90.0%	90.0%	90.0%
N/A = Data unavailable												

3. Performance, Resources, and Strategies

The Criminal Decision Unit contributes to the Department's Strategic Goal I: Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law. Within this goal, the decision unit's resources address the Department's Strategic Objective: 1.2 - Prosecute those involved in terrorist acts.

The Criminal Decision Unit also contributes to Goal II: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law. Within this goal, the decision unit's resources address six of the Department's Strategic Objectives: 2.1 - Combat the threat, incidence, and prevalence of violent crime; 2.2 - Prevent, and intervene in crimes against vulnerable populations; uphold the rights of, and improve services to, America's crime victims; 2.3 - Combat the threat, trafficking, and use of illegal drugs and the diversion of licit drugs; 2.4 - Combat corruption, economic crimes, and international organized crime; 2.5 - Promote and protect Americans' civil rights; and 2.6 - Protect the federal fisc and defend the interests of the United States.

a. Performance Plan and Report for Outcomes

In the criminal area, the performance measure for the United States Attorneys is the percentage of criminal cases favorably resolved.

The USAOs handle the majority of criminal cases prosecuted by the Department of Justice, most of which are received as criminal referrals from federal investigative agencies, including the FBI, DEA, ATF, ICE, and the United States Secret Service. Criminal referrals may also be received from state and local investigative agencies or United States Attorneys may become aware of criminal activities in the course of investigating or prosecuting other cases.

The United States Attorneys are called upon to respond to changing priorities and to become involved in specific crime reduction programs. After the events of September 11, 2001, the number one priority of the United States Attorneys became the prevention of terrorist acts and the investigation and prosecution of those involved in plotting and carrying out terrorist attacks.

In recent years, the United States Attorneys has seen a dramatic increase in the number of financial and mortgage fraud cases filed. Financial industry fraud has shaken the world's confidence in the United States financial system. Losses in financial fraud cases have ranged from millions of dollars to billions of dollars. Mortgage fraud and foreclosure rescue scams routinely involve millions of dollars in losses and multiple defendants, including mortgage brokers, real estate agents, appraisers, closing agents, and false buyers and sellers who receive kickbacks. The United States Attorneys have expanded criminal investigations and prosecutions of financial and mortgage fraud, predatory lending, and market manipulation matters. Efforts to combat financial and mortgage fraud will play a key role not only in ensuring that those who have engaged in fraudulent activities will be held accountable for their illegal conduct, but in deterring future fraudulent conduct and in recovering funds for fraud victims.

In FY 2012, cases involving 80,963 defendants were favorably resolved, resulting in 92.3 percent criminal cases favorably resolved. This outcome surpassed the 90 percent goal by almost two percent.

b. Strategies to Accomplish Outcomes

In FY 2014, the United States Attorneys will continue to place a high priority on prosecution related to national security as well as addressing other important priorities such as financial and mortgage fraud, identity theft, immigration, child exploitation, violent crime and gangs, cybercrime and intellectual property, and drug trafficking.

The United States Attorneys are adjusting to the increased use of technology in the practice of law. While technology provides a means to increase productivity with existing resources, some USAO personnel have difficulty transitioning to new technological solutions. As criminal cases are increasingly "electronic" – meaning that technology plays a major role in areas such as electronic case filing and e-discovery, technical training and hiring employees with the appropriate skill sets are critical to the successful furtherance of our mission.

Other strategies include:

- Regular reviews and monitoring of case and workload data.
- Leveraging technology to improve efficiency and enhance information flow organization-wide and with our partners.
- Continue to look at operational efficiencies in order to preserve human capital which is our most valuable resource.
- Continue to address emerging training needs through the Office of Legal Education.

c. Priority Goals

The United States Attorneys contributes to two priority goals:

Financial Fraud and Healthcare Fraud: Protect the American people from financial and healthcare fraud: In order to efficiently and effectively address financial fraud and healthcare fraud, by the end of FY 2013, increase by 5 percent over FY 2011 levels, the number of investigations completed per Department of Justice attorney working on financial fraud and healthcare fraud cases; additionally for use in appropriate cases, institute a system for tracking compliance by corporate defendants with the terms of judgments, consent decrees, settlements, deferred prosecution agreements, and non-prosecution agreements.

Vulnerable People: Protect those most in need of help - with special emphasis on child exploitation and civil rights. The Department will address these issues by efficiently leveraging law enforcement and prosecutorial assets across the Department in a coordinated manner, including but not limited to: enforcing the Adam Walsh Act by bringing to justice unregistered sex offenders and others who prey on our children; prosecuting hate crime cases under the authority of the Matthew Shepard Hate Crime

Prevention Act; battling human trafficking crimes; and working collaboratively with state and local police in proactive task forces around the country to stop those who prey on our most vulnerable citizens.

By September 30, 2013, working with state and local law enforcement agencies, protect potential victims from abuse and exploitation by achieving a 5 percent increase for three sets of key indicators:

- Open investigations concerning non-compliant sex offenders, sexual exploitation of children, human trafficking.
- Matters/investigations resolved concerning sexual exploitation of children and human trafficking.
- Number of children depicted in child pornography that are identified by the FBI.

The United States Attorneys' progress regarding these two goals is reported quarterly to the Department.

**B. CIVIL**

Civil Litigation	Perm. Pos.	FTE	Amount
2012 Enacted	2,154	1,930	402,059,000
2013 Continuing Resolution*	2,154	1,933	407,020,000
Adjustments to Base	0	0	5,573,000
2014 Current Services	2,154	1,933	412,593,000
2014 Increases	76	38	11,015,000
2014 Offsets	0	0	(3,728,000)
2014 Request	2,230	1,971	419,880,000
Total Change 2013-2014	76	38	12,860,000

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101(e)).

Civil Litigation Information Technology Breakout	Perm. Pos.	FTE	Amount
2012 Enacted	95	95	37,450,000
2013 Request	95	95	38,049,000
Adjustments to Base	0	0	1,370,000
2014 Current Services	95	95	39,419,000
2014 Request	95	95	39,419,000
Total Change 2013-2014*	0	0	1,370,000

*In order to more accurately reflect Information Technology resources across the United States Attorneys' three Decision Units, adjustments have been made within each of the Decision Units in FY 2014.



1. Program Description—Civil Decision Unit

Civil litigation pursued by the United States Attorneys falls into two basic categories: (1) affirmative civil litigation, in which the United States is the plaintiff; and (2) defensive civil litigation, in which the United States is the defendant. Affirmative civil litigation cases are actions taken by United States Attorneys to assert and protect the government's interests. They include such issues as the enforcement of the nation's environmental, admiralty, and civil rights laws, as well as the recovery of damages sustained by the government through fraud. United States Attorneys also use affirmative civil litigation to recoup money owed and recover damages sustained by the government. Defensive civil litigation includes actions seeking monetary damages for alleged torts, contract violations, and alleged discrimination by the United States, its agencies and employees. The United States Attorneys may also be called upon to represent the United States in cases which are not clearly defined as either affirmative or defensive civil litigation, but in which the government has an interest, such as bankruptcy cases in which the United States is a party. One key difference between affirmative and defensive civil litigation is that while United States Attorneys have some discretion in deciding which affirmative civil cases they will pursue, they must defend the government in all defensive civil litigation.

Affirmative civil cases can return substantial monies to the federal Treasury. In FY 2012, USAOs collected \$10.1 billion in civil debts, which is more than three times the United States Attorneys' budget. The following cases are just a few examples of the United States Attorneys' affirmative civil successes in FY 2012:

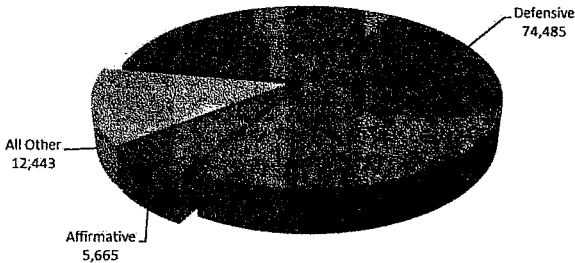
- The Financial Fraud Enforcement Task Force's efforts resulted in a landmark agreement between the federal government, the attorneys general of 49 states and the District of Columbia, on the one hand, and the nation's five largest mortgage servicers, on the other, to address mortgage loan servicing and foreclosure abuses. The five settling companies are the Bank of America Corporation, JP Morgan Chase & Co., Wells Fargo & Company, Citigroup Inc. and Ally Financial Inc. (formerly GMAC). Among its other provisions – which included significant relief for struggling homeowners – the settlement included resolutions under the False Claims Act that returned more than \$900 million to federal mortgage insurance programs, including programs designed to promote home ownership by families and veterans. In addition, the agreement provides substantial financial relief to homeowners and establishes significant new homeowner protections for the future. From these efforts, the Department recovered over \$5 billion in civil collections.
- In July 2012, GlaxoSmithKline (GSK) agreed to plead guilty and to pay \$3 billion to resolve its criminal and civil liability arising from the company's unlawful promotion of certain prescription drugs, its failure to report certain safety data, and its civil liability for alleged false price reporting practices. The resolution is the largest health care fraud settlement in U.S. history and the largest payment ever by a drug company. The lengthy investigation was handled by the District of Massachusetts.
- The USAO in the Eastern District of Virginia reached a settlement with Nelnet, Inc. in which the company paid \$57.7 million to settle allegations of fraud in connection with a



government subsidy program for federal student loans. Nelnet fraudulently received a subsidy it was not entitled to, causing the government to pay double the applicable interest rate for subsidized student loans.

Civil matters and cases represent a significant part of the U.S. Attorneys' workload. In FY 2012, U.S. Attorneys received 102,312 civil matters, which represented 39 percent of all of the 262,078 criminal and civil matters received during the fiscal year. Of the civil matters received, 73 percent or 74,931 were defensive matters, 11,314 or 11 percent were affirmative matters, and 16,067 or 16 percent were other civil matters. The United States Attorneys filed or responded to 92,593 civil cases in FY 2012, which represented 59 percent of the 155,711 criminal and civil cases filed during the fiscal year. Of the civil cases filed, 74,485 or 80 percent were defensive cases; 5,665 or six percent were affirmative cases; and 12,443 or 13 percent were other civil cases.

Civil Workload
FY 2012 Cases Filed/Responded To – 92,593



Between FY 2004 and FY 2012, the number of civil cases filed or responded to increased by 19 percent or 14,790 - from 77,803 cases 92,593, and the number of civil cases referred to United States Attorneys increased by 19 percent or 15,996 - from 86,316 in FY 2004 to 102,312 cases in FY 2012. The number of defensive civil cases filed increased by 44 percent or 22,603 - from 51,882 cases in FY 2004 to 74,485 in FY 2012. A change in the interpretation of the United States Sentencing Guidelines in January 2005 increased the number of defensive civil cases filed between FY 2006 and FY 2010.

In FY 2012, 90.6 percent of all judgments in affirmative civil cases were in favor of the United States, the highest favorable judgment rate of all case classes. Through affirmative litigation, the United States Attorneys collected \$10.1 billion in civil debts owed to the United States, which is vastly more than the United States Attorneys' entire FY 2012 budget.

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Civil (DOJ Strategic Goal/Objectives: Goal II: 2.5.2.6)											
TYPE / STRATEGIC OBJECTIVE	Target		Actual		Projected		Changes		Requested (Total)		
	FY 2012		FY 2012		FY 2013		FY 2014 Program		FY 2014 Request		
	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	
CIVIL LITIGATION	1,930	402,059	1,930	402,069	1,933	407,020	38	12,880	1,971	419,860	
Reimbursable FTE and Costs (reimbursable FTE are included but reimbursable costs are bracketed and not included in the total)	328	[67,763]			343	[75,034]	8	[4]	351	[75,038]	
TYPE / STRATEGIC OBJECTIVE	FY 2012		FY 2012		FY 2013		FY 2014 Program		FY 2014 Request		
Workload Measure: Output	107,155		116,602		107,155				107,155		
Performance Measure: Output	40,241		42,618		40,241				40,241		
Performance Measure: Output	32,976		32,619		32,976				32,976		
Performance Measure: Outcome	80.00%		80.00%		80.00%				80.00%		

PERFORMANCE MEASURE TABLE											
Decision Unit: Civil											
Performance Report and Performance Plan Targets		FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012		FY 2013	FY 2014
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Performance Measure	Number of Total Judgements and Settlements	43,386	38,434	52,453	45,892	40,241	39,416	39,416	42,618	39,416	39,416
Performance Measure	Number of Judgements in favor of the U.S. and Settlements	38,724	31,495	38,369	38,104	32,976	31,856	31,856	32,619	31,856	31,856
OUTCOME Measure	Percentage of Cases Favorably Resolved	84.6%	81.9%	73.1%	78.7%	81.9%	80.0%	80.0%	82.0%	80.0%	80.0%
N/A = Data unavailable											

3. Performance, Resources, and Strategies

The Civil Decision Unit contributes to the Department's Strategic Goal II: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law. Within this goal, the Civil Decision Unit's resources specifically address two of the Department's Strategic Objectives: 2.5 – Promote and protect American' civil rights, and 2.6 – Protect the federal fisc and defend the interests of the United States.

a. Performance Plan and Report for Outcomes

Prosecution of civil litigation is an essential and vital component of the mission of the United States Attorneys. Civil affirmative litigation seeks redress for fraud, waste, and abuse in federal programs and ensures that the government is fully compensated for the losses and damages caused by those who have enriched themselves at the government's expense. In addition, all lawsuits filed against the federal government must be defended. United States Attorneys represented the federal government in 74,485 defensive civil cases that were filed in court during FY 2012. The United States Attorneys' successes in civil litigation preserve taxpayer dollars and uphold the requirements and intent of federal laws and programs. The performance measure for civil litigation relates to the percentage of judgments and settlements resolved in favor of the government.

b. Strategies to Accomplish Outcomes

As civil cases are increasingly "electronic" – meaning that technology plays a major role in areas such as electronic case filing and e-discovery, the technological and resource needs of our civil cases continue to grow. While technology provides a means to increase productivity with existing resources, some USAO personnel have difficulty transitioning to new technological solutions thereby placing greater demands on technical training and hiring employees with the appropriate skill sets.

Other strategies include:

- Regular reviews and monitoring of case and workload data.
- Leveraging technology to improve efficiency and enhance information flow organization-wide and with our partners.
- Continue to look at operational efficiencies in order to preserve human capital which is our most valuable resource.
- Continue to address emerging training needs through the Office of Legal Education.



C. LEGAL EDUCATION

Legal Education	Perm. Pos.	FTE	Amount
2012 Enacted	53	53	30,941,000
2013 Continuing Resolution*	53	53	33,524,000
Adjustments to Base	0	0	184,000
2014 Current Services	53	53	33,708,000
2014 Request	53	53	33,708,000
Total Change 2013-2014	0	0	184,000

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101(c)).

Legal Education Information Technology Breakout	Perm. Pos.	FTE	Amount
2012 Enacted	23	23	9,362,000
2013 Request	23	23	9,512,000
Adjustments to Base	(19)	(19)	(7,626,000)
2014 Current Services	4	4	1,886,000
2014 Request	4	4	1,886,000
Total Change 2013-2014*	(19)	(19)	(7,626,000)

*In order to more accurately reflect Information Technology resources across the United States Attorneys' three Decision Units, adjustments have been made within each of the Decision Units in FY 2014



1. Program Description—Legal Education

The Office of Legal Education (OLE) develops, conducts, and authorizes the training of all federal legal personnel [28 C.F.R. §0.22 (1990)]. OLE coordinates legal education and attorney training for the Department of Justice (DOJ) and other departments and agencies of the Executive Branch. Virtually all of OLE's classroom training is conducted at the National Advocacy Center (NAC), a premier federal training facility in Columbia, South Carolina. The NAC features an integrated instructional and residential facility augmented by a conference and research center with student and support services on site.

In FY 2012, OLE was responsible for the management of 295 courses and events at the NAC, as well as offsite locations, including traditional advocacy skills training, seminars on substantive areas of the law, leadership training, and automated litigation support training. In FY 2012, OLE trained 23,115 individuals, including 16,479 who attended live training through courses or other events hosted by OLE and 6,636 individuals who received training through one of OLE's distance education offerings, including continuing legal education (CLE) programs broadcast via satellite on OLE's Justice Television Network (JTN), and CLE programs co-sponsored by OLE in USAOs using OLE training modules and materials. Seventy-nine percent of the 23,115 individuals trained were DOJ employees, while the other 21 percent were non-DOJ employees with various federal agencies or state and local governments.

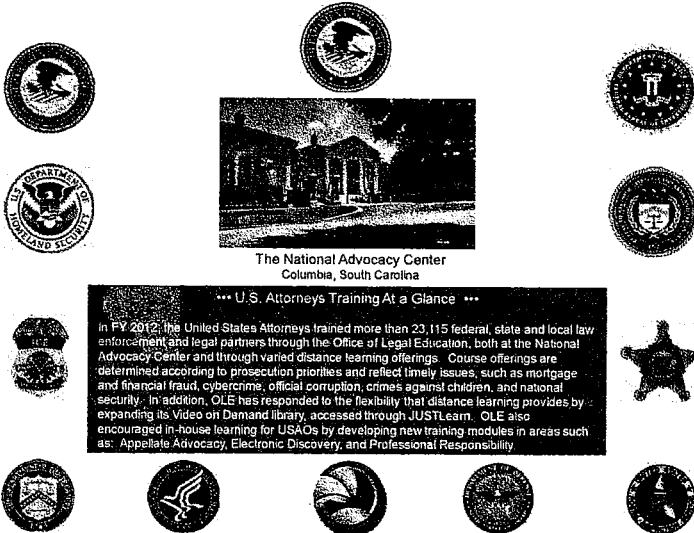
More than 9,444 individuals received training in areas covered in the Department's Strategic Plan, including Financial and Mortgage Fraud and Cybercrime, Crimes Against Children, Anti-Terrorism, Violent Crime/Gun Violence Reduction, Drug Enforcement, Official Corruption, Bankruptcy and Sound Management.





Recognizing the need to provide more distance learning opportunities, OLE continued to update and expand its Video on Demand (VOD) library, permitting USAO and DOJ litigating division employees to view OLE programming "on demand" at their desktop through OLE's Learning Management System, JUSTLearn. There are currently more than 1,000 programs available, including programs on *Brady Giglio*, E-Discovery, and a New Employee Orientation. In FY 2012, approximately 78,055 DOJ employees accessed the VOD library, viewing available videos more than 208,083 times. In FY 2012, OLE migrated to a new Learning Management System, LearnDOJ. This new system is utilized by other DOJ components and is administered by the Justice Management Division. LearnDOJ gives OLE increased functionality to build Individual Development Plans, assessment tools, and greater compliance management. It is also available via the Internet and can function as a virtual training system with the ability to integrate technologies such as Adobe Connect.

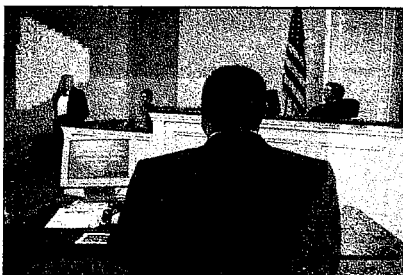
*** PARTNERS IN LEGAL EDUCATION ***



OLE's Publications Unit edits and publishes the United States Attorneys' Manual, the United States Attorneys' Bulletin, and a number of practical skills manuals. OLE published six editions



of the United States Attorneys' Bulletin on a variety of topics, including Obtaining and Admitting Electronic Evidence, Violent Crimes, Financial Intelligence, Community Outreach, Environmental Crimes and Criminal Discovery, all of which are accessible on the DOJ Internet website. The Publications Unit continued to maintain and update the USABook, an online legal resource available on the Department intranet that includes electronic versions of all OLE publications, forms including indictment and jury instructions for all circuits, and many significant monographs and policy manuals, and has become a federal practice encyclopedia. In FY 2012, the USABook site experienced millions of page views. Its front page alone received over 288,000 page views in FY 2012, making the most viewed page on DOJNet.



OLE's Justice Television Network (JTN) is a satellite-based system that provides training to more than 260 locations, including all 94 USAOs and Department of Justice components. During its 25 hours of weekly broadcast, JTN ran 757 programs, including 33 shows eligible for Continuing Legal Education (CLE).

OLE also broadcast events held at Main Justice, including press conferences by the Attorney General and other key Department officials, the Director's Awards Ceremony, and ceremonies commemorating other significant events.

In an effort to enhance distance learning options for USAOs and provide needed mandatory training, OLE developed new training modules on Professionalism for DOJ Attorneys, and Legal Ethics for Agency Counsel. A copy of each module was sent to every district and to eight federal agencies outside the Department to be used for in-house training.

CLE credit is provided through OLE for many OLE-sponsored courses. OLE is the primary source of instruction for DOJ attorneys and AUSAs from the 94 USAOs. Basic programs for newly hired attorneys include criminal, civil, and appellate advocacy; federal practice seminars; and specialty courses in priority substantive areas of the law. Advocacy skills programs are available to new and experienced trial attorneys. The Criminal Federal Practice course is designed for attorneys with litigation experience who are new to the federal civilian legal system.



(e.g., former state and military prosecutors), and as continuing training for Department of Justice attorneys after the basic criminal and civil trial advocacy courses. In FY 2012, OLE continued to provide additional web-based CLE through its contract with West Legal Ed Center, offering 24-hours a day access to more than 7,000 CLE programs from more than 50 leading CLE providers.

During FY 2012, Department attorneys viewed 8,160 West Legal Ed programs, further expanding OLE's ability to provide needed training.

OLE continued its tradition of providing training support to Department of Justice personnel assisting foreign prosecutors through the Criminal Division's Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT). OLE hosted visiting foreign prosecutors from Columbia, Pakistan, the Philippines, and Kenya. OLE also provided staff to assist in training efforts abroad in Columbia, Mexico, Moldova, the Philippines, and Puerto Rico.

For all its programs, OLE uses experienced federal trial and appellate attorneys as instructors to present lectures, lead discussion groups, direct evidentiary exercises, and offer personalized critiques. Federal judges also participate in OLE's advocacy courses, presiding over mock trials and mock appellate arguments. The caliber of the OLE faculty and the use of sophisticated videotaping facilities provide students with unique training experiences in trial and appellate advocacy. A significant feature of the advocacy training is the use of "learn-by-doing" exercises which concentrate on courtroom skills. These exercises simulate courtroom activities and provide students with classroom critiques and individual video replay analysis. OLE is also meeting the demand for attorney management training for senior criminal and civil attorneys by providing management courses for attorney supervisors of all levels. Additionally, the Justice Leadership Institute provides leadership training to USAO attorney and support staff supervisors.

OLE conducts programs on federal, civil, and administrative law practices for attorneys in the Executive Branch, including those in the Department of Justice. OLE offers training in civil discovery and trial techniques; negotiation techniques; and administrative law areas such as bankruptcy, the Freedom of Information Act, ethics, environmental law, federal employment, regulatory processes, government contracts, legal research and writing for attorneys, management of attorneys, and computer crime. Course instruction emphasizes the realities of federal practice. Federal attorneys from every agency, including the Department of Justice, are participants as well as advisors, curriculum developers, lecturers, and instructors. Most instructors come from a cadre of federal prosecutors.

OLE develops and administers paralegal courses covering basic and advanced skills in civil, criminal, and appellate practice. Training for other support staff personnel (e.g., systems managers, Administrative Officers and Budget Officers) in USAOs is provided through OLE, which develops the curriculum and recruits instructors.

PERFORMANCE AND RESOURCES TABLE									
Decision Unit: Legal Education (DOJ Strategic Goal/Objective: Goal I: 1.2; Goal II: 2.1, 2.2, 2.3, 2.4, 2.5, 2.6)									
RESOURCES	Final Target		Actual		Projected		Changes		Requested (Total)
	FY 2012		FY 2012		FY 2013		Current Services Adjustments and FY 2014 Program Changes		FY 2014 Request
	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE
LEGAL EDUCATION	53	30,941	53	30,941	53	33,524	0	184	53
									33,708
Reimbursable FTE and Costs									
(reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)									
TYPE/	4	[7,701]	4	[7,703]	4	[4,160]	0	[0]	4
STRATEGIC OBJECTIVE	FY 2012		FY 2012		FY 2013		Current Services Adjustments and FY 2014 Program Changes		FY 2014 Request
Performance Measure:									
Outcome:	Number of Students Trained		26,000		24,000				24,000



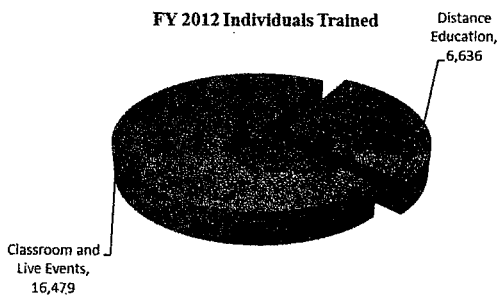
3. Performance, Resources, and Strategies

The Legal Education Decision Unit contributes to the Department's Strategic Goal I: Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law. Within this goal, the decision unit's resources address the Department's Strategic Objective: 1.2 - Prosecute those involved in terrorist acts.

The Legal Education Decision Unit also contributes to Goal II: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law. Within this goal, the decision unit's resources address six of the Department's Strategic Objectives: 2.1 - Combat the threat, incidence, and prevalence of violent crime; 2.2 - Prevent, and intervene in crimes against vulnerable populations; uphold the rights of, and improve services to, America's crime victims; 2.3 - Combat the threat, trafficking, and use of illegal drugs and the diversion of licit drugs; 2.4 - Combat corruption, economic crimes, and international organized crime; 2.5 - Promote and protect Americans' civil rights; and 2.6 - Protect the federal fisc and defend the interests of the United States.

a. Performance Plan and Report for Outcomes

The performance measure for this decision unit is the number of students trained. In FY 2012, OLE sponsored classroom training and other live events for 16,479 individuals. In addition, approximately 6,636 individuals were trained through one of OLE's distance education offerings, including continuing legal education programs broadcast via satellite, and other means, for a total of 23,115 students trained in FY 2012.

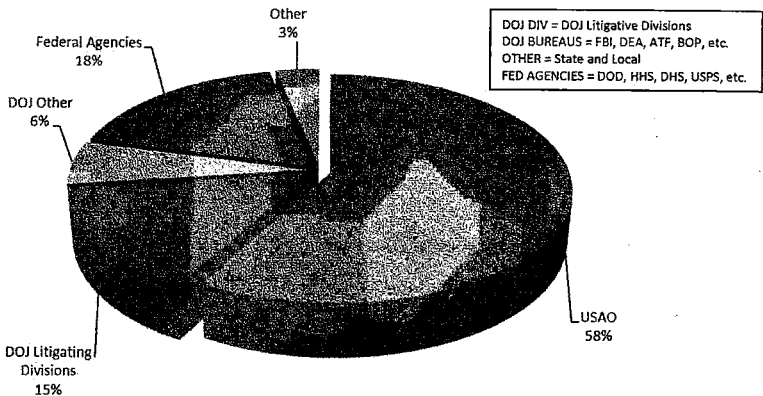


This compares with a total of 24,627 in FY 2011 – 17,219 individuals trained in-person and 7,408 individuals trained by satellite, videotape and other training. Seventy-nine percent of the 23,115 individuals trained in-person were DOJ employees in legal positions while the other



21 percent were non-DOJ employees in legal positions with various federal agencies or state and local government. OLE anticipates training a total of 26,000 individuals in FYs 2013 through 2014 in combined classroom, satellite and other training.

FY 2012 Organizational Training Breakdown



More than 9,444 individuals receiving training at the NAC attended courses in areas covered in the Department's Strategic Plan, including Fraud and Cybercrime, Crimes Against Children, and Anti-Terrorism, Violent Crime/Gun Violence Reduction, Drug Enforcement, Civil Rights Enforcement, Official Corruption, Bankruptcy, and Sound Management.

Overall in FY 2012, OLE was responsible for the management of 295 events, including traditional advocacy training, seminars and educational forums on substantive areas of the law. During FY 2012, OLE expanded VOD and approximately 78,055 DOJ employees accessed the VOD library viewing available programs more than 208,083 times. There are now over 1,000 separate programs available through VOD.

b. Strategies to Accomplish Outcomes

The United States Attorneys will continue to ensure that high quality legal education is available for basic and advanced legal training through traditional classroom instruction and expanded use of JTN and distance learning.



V. Program Increases by Item

Item Name: Financial and Mortgage Fraud

Budget Decision Unit(s): Criminal and Civil Litigation

Strategic Goal(s) & Objective(s): **Goals II:** Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law.
Objective 2.4: Combat corruption, economic crimes, and international organized crime.
Objective 2.6: Protect the federal fisc and defend the interests of the United States.

Component Ranking of Item: 1

Program Increase: Positions 190 Attorney 120 FTE 95 Dollars \$26,500,000

Description of Item

Losses in financial and mortgage fraud cases have ranged from millions of dollars to billions of dollars. Mortgage fraud and foreclosure rescue scams routinely involve millions of dollars in losses and multiple defendants, including mortgage brokers, real estate agents, appraisers, closing agents, and false buyers and sellers who receive kickbacks. It is imperative that the Department enforce the laws that protect the integrity of our economic system.

The FY 2014 President's Budget includes a program enhancement of 190 positions (including 120 attorneys) and \$26,500,000 -- including \$6,677,220 in non-personnel funding. At the end of FY 2012, the FBI had more than 2,300 mortgage fraud investigations pending with 71 percent involving losses of \$1 million or more. In FY 2012, the United States Attorneys' Offices filed 443 mortgage fraud cases against 812 defendants. This is a 387 percent increase in the number of cases filed compared to just four years ago, in FY 2008. Moreover, the USAOs convicted 875 defendants of mortgage fraud in FY 2012, which is a 980 percent increase over the same four-year time period. Additional positions in the United States Attorneys' offices are necessary to keep pace with such increased investigative and prosecutorial activity. These resources will enable the Department to hold accountable criminals who perpetrate financial and mortgage fraud, deter future perpetrators of fraud, and recover monies stolen from the U.S. taxpayer. The non-personnel funds requested will enable the United States Attorneys' Offices to do such things as develop investigative leads through data analytics services, conduct computer research in specialized financial databases, and obtain additional equipment and software for EOUSA's Litigation Technology Service Center to store and analyze data in financial and mortgage fraud cases.

Justification

The United States Attorneys will expand criminal investigations and prosecutions of mortgage fraud, predatory lending, financial fraud, and market manipulation matters. These prosecutorial resources will enable the United States Attorney community to quickly address the increasing number of financial and mortgage fraud cases referred by the Federal Bureau of Investigations (FBI) for prosecution.

Recent data from Treasury's Financial Crimes Enforcement Network (FinCEN) show that mortgage fraud will continue to be a significant issue for law enforcement. Specifically, in the second quarter of calendar year 2012, financial institutions submitted 17,476 mortgage loan fraud Suspicious Activity Reports (SARs), with a marked increase in the number of SARs involving foreclosure rescue scams and similar schemes targeting homeowners facing foreclosure or default on their mortgages. Based on this second quarter data, FinCEN projects that the number of foreclosure rescue SAR filings in 2012 will increase by 70 percent over 2011. Second quarter data from 2012 also show that the total number of all SARs filed increased by nine percent over the second quarter of 2011, rising from 203,468 to 220,854. These fraud indicators demonstrate the need for additional investigative and prosecutorial resources to properly address this serious economic crime.

The United States Attorneys will also expand civil enforcement efforts to continue to obtain recoveries from individuals and companies that have defrauded the government by violating the terms of federal contracts, grants, loans, and subsidies.

The United States Attorneys will continue to work closely with the Departments' Criminal and Civil Divisions to investigate and pursue significant financial crimes and other violations related to the financial crisis and economic recovery efforts. Additionally, the United States Attorneys will strengthen their anti-fraud efforts at the local level through increased participation in regional mortgage fraud working groups and task forces.

Impact on Performance

This initiative will address Strategic Goal II, Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law, including Objective 2.4, *Combat corruption, economic crimes, and international organized crime*, and Objective 2.6, *Protect the federal fisc and defend the interests of the United States*.

We have seen a dramatic increase in the number of mortgage fraud cases filed over the last several years. Additional resources to combat financial and mortgage fraud will play a key role not only in ensuring that those who have engaged in fraudulent activities will be held accountable for their illegal conduct, but in deterring future fraudulent conduct and in recovering funds for fraud victims.

Financial and Mortgage Fraud Initiative

Funding

Base Funding

FY 2012 Enacted				FY 2013 CR				FY 2014 Current Services			
Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)
1,952	1,276	1,952	309,241,234	1,952	1,276	1,952	309,241,234	1,952	1,276	1,952	314,993,121

Base funding amounts include all white collar crime (criminal) and all civil affirmative fraud resources, including financial and mortgage fraud.

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2014 Request (\$000)	FY 2015 Net Annualization (change from 2014) (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)
Attorney	114,580	120	13,749,600	10,266,240	
Forensic Accountant	96,935	20	1,938,700	1,404,960	
Investigator	88,805	40	3,552,200	2,484,760	
Paralegal	58,228	10	582,280	436,310	160,630
Total Personnel		190	19,822,780	14,592,270	160,630

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2014 Request (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)	FY 2016 Net Annualization (Change from 2015) (\$000)
Investigative Tools	N/A	N/A	6,677,220	(5,177,220)	0
Total Non-Personnel	N/A	N/A	6,677,220	(5,177,220)	0

Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)	FY 2016 Net Annualization (Change from 2015) (\$000)
Current Services	1,952	1,276	1,952	314,993,121	0	314,993,121	0	0
Increases	190	120	95	19,822,780	6,677,220	26,500,000	9,415,050	0
Grand Total	2,142	1,396	2,047	334,815,901	6,677,220	341,493,121	9,415,050	160,630



VI. Program Offsets by Item

Item Name: Overhead Reductions

Budget Decision Unit(s): Criminal, Civil and Legal Education

Strategic Goal(s) & Objective(s): **Goals I and II:** Prevent terrorism, and Promote the Nation's Security Consistent with the Rule of Law; and Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law.

Objective: All

Component Ranking of Item: 2

Program Decrease: Positions 0 Attorney 0 FTE 0 Dollars \$17,500,000

Description of Item

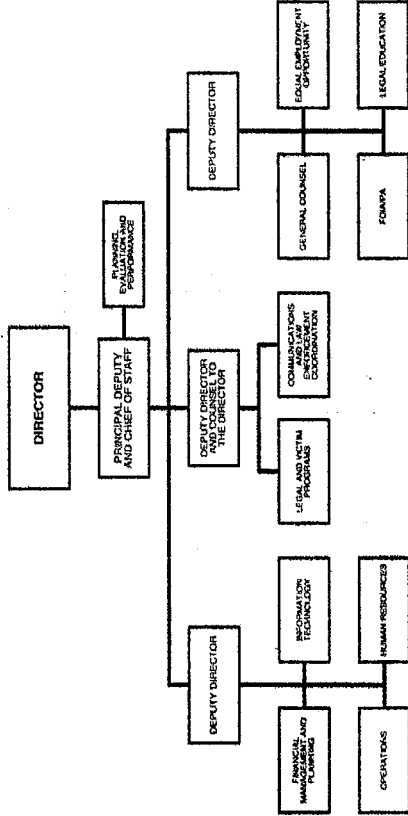
The United States Attorney community is continually evaluating its programs and operations with the goal of achieving efficiencies and reducing overall costs. In FY 2014, the United States Attorneys will focus on reducing overhead costs in areas which include, but are not limited to space, telecommunications, operations and maintenance of equipment, guard services, security investigations and centralized common administrative services. These overhead reductions will result in an offset of \$17,500,000.

Impact on Performance

These overhead expense reductions will cut waste and promote efficiencies thereby focusing funding on essential and mission critical efforts.

A: Organizational Chart

EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS



Approved by:  Date: June 8, 2010
 ERIC H. HOLDER, JR.
 Attorney General

B. Summary of Requirements

Summary of Requirements
 United States Attorneys
 Salaries and Expenses
 (Dollars in Thousands)

	Direct Pos.	FY 2014 Request	Estimate FTE	Amount
2012 Enacted^u				
Total 2012 Enacted (with Balance Rescission) ^u	10,629	9,707		1,960,000
2013 Continuing Resolution	10,629	9,707		1,960,000
2013 CR 0.612% Increase	0	9,717	0	11,995
Total 2013 Continuing Resolution (with Balance Rescission and Supplemental)	10,629	9,717		1,971,995
Technical Adjustments				
Adjustment - 2013 CR 0.612%	0	0	0	-11,995
Total Technical Adjustments	0	0	0	-11,995
Base Adjustments				
Transfers	0	0	0	5,904
Justice Consolidated Office Network (JCON) and JCON STS	0	0	0	-1,406
Office of Information Policy (OIP)	-3	-3		-818
Office of Professional Responsibility (OPR)	-2	-2		-489
Office of Tribal Justice (OTJ)	0	0		-2,039
Professional Responsibility Advisory Office (PRAO)	0	0		2,249
Total Transfers	0	0	0	16,153
Pay and Benefits	0	0	0	26,315
Contractual and Facilities	0	0	0	11,111
Total Base Adjustments	0	0	0	26,722
Total Technical and Base Adjustments	0	0	0	19,727
2014 Current Services	10,629	9,717		1,991,722
Program Changes				
Increases:				
Financial and Mortgage Fraud	190	95		26,500
Subtotal, Increases	190	95		26,500
Decreases:				
Office of Insured Risk	0	0		-17,500
Subtotal, Decreases	0	0		-17,500
Subtotal, Program Changes	190	95		9,000
Total Program Changes	190	95		9,000
2014 Total Request	10,814	9,807		2,007,717
2014 Total Request (with Balance Rescission)	10,814	9,807		2,007,717
2013 - 2014 Total Change	185	90		47,717

^u The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

B. Summary of Requirements

Summary of Requirements
 United States Attorneys
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	2012 Appropriation Enacted			2013 Continuing Resolution*			2014 Technical and Base Adjustments			2014 Current Services		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Criminal Litigation	8,422	7,719	1,527,000	8,422	7,731	1,531,451	(5)	(5)	20,965	8,417	7,726	1,552,416
Civil Litigation	2,154	1,930	402,059	2,154	1,933	407,020	0	0	5,573	2,154	1,933	412,593
Legal Education	53	53	30,941	53	53	33,524	0	0	184	53	53	33,708
Total Direct	10,628	9,702	1,960,000	10,628	9,717	1,971,995	(5)	(5)	26,722	10,624	9,712	1,998,717
Balance Rescission			0			0			0			0
Total Direct with Rescission			1,960,000			1,971,995			26,722			1,998,717
Reimbursable FTE		1,554			1,639			37			1,676	
Total Direct and Reimb. FTE		11,256			11,356			32			11,388	
Other FTE:		0			0			0			0	
LEAP					71						71	
Overtime		71			71							
Grand Total, FTE		11,327			11,427			32			11,459	

Program Activity	2014 Increases			2014 Offsets			2014 Request		
	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Criminal Litigation	114	57	15,485	0	0	(13,772)	8,531	7,783	1,554,129
Civil Litigation	76	38	11,015	0	0	(3,728)	2,200	1,971	419,880
Legal Education	0	0	0	0	0	0	83	53	33,708
Total Direct	190	95	26,500	0	0	(17,500)	10,814	9,807	2,007,717
Reimbursable FTE			0			0		1,676	
Total Direct and Reimb. FTE		95				0		11,483	
Other FTE:								0	
LEAP		0			0			0	
Overtime		0			0			0	
Grand Total, FTE		95			0			11,554	

*The 2013 Continuing Resolution includes the 0.61% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101(c)).

C. Program Changes by Decision Unit

FY 2014 Program Increases/Offsets by Decision Unit
United States Attorneys
Salaries and Expenses
(Dollars in Thousands)

Program Increases	Location of Description by Program Activity	Criminal Litigation				Civil Litigation				Total Increases			
		Direct Pos.	Adj. Atty.	Est. FTE	Amount	Direct Pos.	Adj. Atty.	Est. FTE	Amount	Direct Pos.	Adj. Atty.	Est. FTE	Amount
Financial and Mortgage Fraud	Page 43	114	72	57	15,485	76	48	38	11,015	190	120	95	26,500
Total Program Increases		114	72	57	15,485	76	48	38	11,015	190	120	95	26,500

Program Offsets	Location of Description by Program Activity	Criminal Litigation			Civil Litigation			Total Offsets				
		Direct Pos.	Adj. Atty.	Est. FTE Amount	Direct Pos.	Adj. Atty.	Est. FTE Amount	Direct Pos.	Adj. Atty.	Est. FTE Amount		
Overhead Reductions	Page 46	0	0	0	(13,772)	0	0	0	(3,728)	0	0	(17,500)
Total Program Offsets		0	0	0	(13,772)	0	0	0	(3,728)	0	0	(17,500)

D. Resources by DOJ Strategic Goal and Strategic Objective

Resources by Department of Justice Strategic Goal/Objective
United States Attorney General's Office
Salaries and Expenses
(Dollars in Thousands)

Strategic Goal and Strategic Objective	2012 Appropriation Enacted			2013 Continuing Resolution			2014 Current Services			2014 Increases			2014 Offsets			2014 Total Request		
	Direct Request	Indirect Amount	FTE	Direct	Indirect Amount	FTE	Direct	Indirect Amount	FTE	Direct	Indirect Amount	FTE	Direct	Indirect Amount	FTE	Direct	Indirect Amount	FTE
Goal 1 Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law																		
1.1 Prevent, disrupt, and defeat terrorist operations before they occur	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1.2 Prosecute those involved in terrorist acts	356	52,059	356	356	52,059	356	356	52,705	356	0	0	0	0	0	0	356	52,705	356
1.3 Combat espionage against the United States	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	356	52,059	356	356	52,059	356	356	52,705	356	0	0	0	0	0	0	356	52,705	356
Goal 2 Prevent Crime, Protect the Rights of the American People, and enforce Federal Law																		
2.1 Combat the threat, incidence, and prevalence of violent crime	2,480	459,371	2,503	461,370	2,510	465,341	0	0	0	0	0	0	-4,165	2,510	0	461,356	0	0
2.2 Prevent and intervene in crimes against vulnerable of violent crime	347	60,478	350	62,477	351	66,348	0	0	0	0	0	0	-588	351	0	66,350	0	0
2.3 Combat the threat, trafficking, and use of illegal drugs and the crime	4,019	702,693	4,056	704,692	4,067	706,623	0	0	0	0	0	0	-6,372	4,067	0	702,251	0	0
2.4 Combat corruption, economic crimes, and international organized crime	1,727	266,734	1,743	270,733	1,748	274,704	95	26,500	95	26,500	0	0	0	0	0	238,734	0	0
2.5 Promote and protect Americans' civil rights	61	11,231	61	13,231	61	17,203	0	0	0	0	0	0	-155	61	0	17,048	0	0
2.6 Protect the federal fisc and defend the interests of the United States	2,506	405,474	2,287	407,473	2,284	415,693	0	0	0	0	0	0	-3,720	2,284	0	409,973	0	0
	10,583	1,861,000	10,650	1,871,972	10,650	1,885,912	95	26,500	95	26,500	0	0	-17,800	11,124	0	1,865,912	0	0
TOTAL	11,236	1,861,000	11,256	1,871,966	1,876,211	1,885,912	95	26,500	95	26,500	0	0	-17,305	11,123	0	2,007,717	0	0

Note: Excludes Balance Rescission and/or Supplemental Appropriations

*The 2013 Continuing Resolution includes the 0.012% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c))

E. Justification for Technical and Base Adjustments

Justifications for Technical and Base Adjustments

United States Attorneys
Salaries and Expenses
(Dollars in Thousands)

	Direct Pos.	Estimate FTE	Amount
Technical Adjustments			
1 Adjustment - 2013 CR 0.612% PL 112-175 section 101 (c) provided 0.612% across the board increase above the current rate for the 2013 CR funding level. This adjustment reverses this increase.	0	0	(11,995)
Transfers			
1 Justice Consolidated Office Network (JCON) and JCON STS: A transfer of \$6,804,000 is included in support of the Department's JCON and JCON STS programs which will be moved to the Working Capital Fund and provided as a billable service in FY 2014.	0	0	6,804
2 Office of Information Policy (OIP): The United States Attorneys transfer \$1,409,000 into the General Administration appropriation for the Office of Information Policy (OIP) to centralize appropriated funding and eliminate the current reimbursable funding process. The centralization of the funding is administratively advantageous because it eliminates the paper-intensive reimbursement process.	0	0	(1,409)
3 Office of Professional Responsibility (OPR): The United States Attorneys transfer 3 positions, 3 FTE and \$618,000 into the General Administration appropriation for the Office of Professional Responsibility (OPR) to centralize appropriated funding and eliminate the current reimbursable funding process. The centralization of the funding is administratively advantageous because it eliminates the paper-intensive reimbursement process.	(3)	(3)	(618)
4 Office of Tribal Justice (OTJ): The United States Attorneys transfer 2 positions, 2 FTE, and \$489,000 to the General Administration appropriation in order to provide permanent appropriated funding for the Office of Tribal Justice.	(2)	(2)	(489)
5 Professional Responsibility Advisory Office (PRAO): The United States Attorneys transfer \$2,030,000 into the General Administration appropriation for the Professional Responsibility Advisory Office (PRAO) to centralize appropriated funding and eliminate the current reimbursable funding process. The centralization of the funding is administratively advantageous because it eliminates the paper-intensive reimbursement process.	0	0	(2,030)
Subtotal, Transfers	(5)	(5)	2,249
Pay and Benefits			
1 2014 Pay Raise: This request provides for a proposed 1 percent pay raise to be effective in January of 2014. The amount request, \$8,929,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$8,429,000 for pay and \$2,500,000 for benefits).	0	0	8,929
2 Annualization of 2013 Pay Raise: This pay annualization represents first quarter amounts (October through December) of the 2013 pay increase of 0.5% included in the 2013 President's Budget. The amount requested \$1,564,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$1,126,000 for pay and \$438,000 for benefits).	0	0	1,564
3 Employee Compensation Fund: The \$122,000 request reflects anticipated changes in payments to the Department of Labor for injury benefits under the Federal Employee Compensation Act.	0	0	122

Exhibit E - Justification for Technical and Base Adjustments

E. Justification for Technical and Base Adjustments

Justifications for Technical and Base Adjustments

United States Attorneys
Salaries and Expenses
(Dollars in thousands)

	Direct Pos.	Estimate FTE	Amount
<p>4 Health Insurance: Effective January 2014, the component's contribution to Federal employees' health insurance increases by 4.9 percent. Applied against the 2013 estimate of \$63,519,000, the additional amount required is \$3,084,000.</p> <p>5 Retirement: Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 1.3 percent per year. The requested increase of \$2,454,000 is necessary to meet our increased retirement obligations as a result of this conversion.</p>	0	0	3,084
Subtotal, Pay and Benefits	0	0	2,454
Domestic Rent and Facilities			16,153
<p>1 General Services Administration (GSA) Rent: GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$13,982,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of an automated system, which uses the latest inventory data, including rate increases to be effective FY 2014 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied. GSA provides data on the rate increases.</p> <p>2 Guard Services: The amount the United States Attorneys pay for Federal Protective Service (FPS) and Court Security Officer (CSO) guard service in leased locations will increase by \$1,054,000.</p> <p>3 Moves (Lease Expirations): GSA requires all agencies to pay relocation costs associated with lease expirations. This request provides for the costs associated with new office relocations caused by the expiration of leases in FY 2014.</p>	0	0	13,982
	0	0	1,054
			5,279
Subtotal, Domestic Rent and Facilities	0	0	20,315
TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS	-5	-5	26,722
ATB Reimbursable FTE Changes			
<p>1 ATB Reimbursable FTE Adjustments: This adjustment is required for the Asset Forfeiture (AFF) -- 3 FTE and the Health Care Fraud (HCF) -- 34 FTE.</p>	0	37	0
Subtotal, Reimbursable FTE Changes	0	37	0

Exhibit E - Justification for Technical and Base Adjustments

Crosswalk of 2012 Availability

United States Attorneys
Salaries and Expenses
(Dollars in Thousands)

Program Activity	2012 Appropriation Enacted w/o Balance Rescission			Reprogramming/Transfers			Carryover		Recoveries/ Refunds		2012 Actual	
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Amount	Pos.	Amount	Direct Pos.	Actual FTE	Amount
Criminal Litigation	8,422	7,719	1,527,000	0	0	376	11,104	8,422	3,203	0	7,719	1,541,683
Civil Litigation	2,154	1,930	402,059	0	0	0	0	2,154	0	0	1,930	402,059
Legal Education	53	53	30,941	0	0	0	0	53	0	0	53	30,941
Total Direct	10,629	9,702	1,950,000	0	0	376	11,104	10,629	3,203	0	9,702	1,974,683
Reimbursable FTE		1,554			0						1,554	
Total Direct and Reimb. FTE		11,256			0						11,256	
Other FTE: Overtime		71			0						71	
Grand Total, FTE		11,327			0						11,327	

Reprogramming/Transfers

Transfers: The United States Attorneys (USA) transferred \$376,000 from unobligated balances in the annual accounts into the no-year account. The amounts transferred from the annual accounts were as follows: \$26,000 was provided to USA from ONDCP HIDTA in FY 2011; \$350,000 is the *anticipated* transfer amount to be provided to USA from ONDCP HIDTA in FY 2012.

Carryover:

The United States Attorneys carried an unobligated balance of \$11.1 million into FY 2012. The amount came from these sources:

- (1) \$10.6 million from the No-Year Salaries and Expenses account; (2) \$235,000 is the remaining balance from ONDCP HIDTA and (3) \$0.4 million from the Violent Crime Reduction Program to support mission related activities of the United States Attorneys.

The \$10.5 million of unobligated balances in the No-Year account is comprised of: (1) \$1.8 million for Project Seahawk. The project was transferred to DHS at the end of FY 2009, and has been formally closed out by DOJ. We are working with the Department on the proper disposition of these remaining funds; (2) \$1.5 million is to fund expenses at the National Advocacy Center (NAC) located in Columbia, South Carolina; and (3) \$7.2 million will be used to fund HSPD-12 security requirements, HVAC-OT expenses incurred by the USA offices, and the new mail metering contract which funds all metering equipment and maintenance for each USAO during FY 2012.

Crosswalk of 2013 Availability
 United States Attorneys
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2013 Continuing Resolution*			Reprogramming/Transfers			Carryover		Recoveries/Refunds		2013 Availability		
	Direct Pos.	Estim. FTE	Amount	Direct Pos.	Estim. FTE	Amount	Amount		Amount		Direct Pos.	Estim. FTE	Amount
Criminal Litigation	8,422	7,731	1,531,451	0	0	806	13,248	0	0	0	8,422	7,731	1,545,505
Civil Litigation	2,154	1,933	407,020	0	0	0	0	0	0	0	2,154	1,933	407,020
Legal Education	53	53	33,524	0	0	0	0	0	0	0	53	53	33,524
Total Direct	10,629	9,717	1,971,995	0	0	806	13,248	0	0	0	10,629	9,717	1,985,049
Total Direct with Rescission													
Reimbursable FTE		1,539	1,971,995		0	0						1,539	1,985,049
Total Direct and Reimb. FTE		11,356			0	0						11,356	
Other FTE:													
Overtime		71			0	0						71	
Grand Total FTE		11,427			0							11,427	

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-75; Section 101 (c)).

Reprogramming/Transfers
Transfers

\$805,608 is the anticipated transfer amount to be provided to USA from ONDCP HIDTA in FY 2013.

Carryover:

The United States Attorneys carried a Direct Unobligated balance of \$13,248 million into FY 2013. The amount came from these sources:

(1) \$12.7 million from the No-Year Salaries and Expenses account; (2) \$119,489 is the remaining balance from ONDCP HIDTA and (3) \$376,655 from the Violent Crime Reduction Program to support mission related activities of the United States Attorneys.

The \$12.7 million of unobligated balances in the No-Year account is comprised of: (1) \$1.5 million to fund expenses at the National Advocacy Center (NAC) located in Columbia, South Carolina; and (2) \$11.2 million will be used primarily for inflationary adjustments in FY 2013 and to offset "front-loaded" obligations like JMD library costs, while operating under a CR.

Summary of Reimbursable Resources

United States Attorneys
Salaries and Expenses
(Dollars in Thousands)

Collections by Source	2012 Actual			2013 Planned			2014 Request			Increase/Decrease	
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE
Executive Office for ODETF	1,027	924	\$144,973	1,027	975	\$144,973	1,020	968	\$144,982	(7)	(7)
Executive Office for ODETF (AFF, Strike Force, FAC)			11,245			11,245			11,245	0	0
Debt Collection 3% Fund-Perennell/Special Projects	163	146	30,470	163	153	30,841	153	153	30,841	0	0
Debt Collection 3% Fund-Enhancements	19	18	9,810	19	19	11,184	19	19	11,184	0	0
3% Funded HCF-Pharmaceutical Fraud	13	12	2,695	13	13	2,695	13	13	2,695	0	0
3% Funded HCF-Civil Cases			2,000			2,000			2,000	0	0
Health Care Fraud and Abuse Control (Mandatory Funding)	177	168	31,400	177	177	31,400	177	177	31,400	0	0
Health Care Fraud and Abuse Control (Discretionary Funding)	67	31	11,943	67	33	13,045	67	67	13,045	0	34
Office of Victims of Crimes	182	173	24,307	182	182	24,307	182	182	24,307	0	0
Office of Victims of Crimes (VNS)			4,485			4,485			4,485	0	0
Bureau of Indian Affairs			64			64			64	0	0
Other Anticipated Agreements			31,362			23,168			23,168	0	0
Other Misc. Enacted agreements			2,280			2,280			2,280	0	0
DOJ/Civil Rights Division			2			2			2	0	0
DOJ/OIG			55			149			149	0	0
Bureau of Justice Assistance			282			282			282	0	0
ODC, Navy Litigation Office			150			600			600	0	0
Environment and Natural Resources Division			49			49			49	0	0
Executive Office for U.S. Trustees			171			181			181	0	0
Federal Bureau of Investigation			598			598			598	0	0
Federal Bureau of Prisons			4			4			4	0	0
Department of Interior			881			881			881	0	0
Department of Housing & Urban Development			254			254			254	0	0
Department of Housing & Urban Development			81			81			81	0	0
Department of Homeland Security - Border Force			329			333			333	0	0
Federal Housing Finance Agency - OIG	1	1	200	1	1	200	1	1	200	0	0
Criminal Division			106			106			106	0	0
CPDAT			99			99			99	0	0
DOJ Asset Forfeiture Mgmt Staff	43	41	10,911	44	44	48,807	47	47	48,807	3	3
Consolidated Executive Office			85			86			86	0	0
Office of Attorney Recruitment & Management			147			147			147	0	0
Justice Management Division			12			12			12	0	0
Indian Law & Order Commission			300			300			300	0	0
Department of Treasury/OIG			13			87			87	0	0
Civil Division			630			2,108			2,108	0	0
National Security Division			579			579			579	0	0
CMS/CMSO Medicaid Integrity Group			7,098			3,555			3,555	0	0
Dept of Health and Human Services	4	4	220	4	4	220	4	4	220	0	0
Veteran Affairs			20			20			20	0	0
Other Workyears Provided	39	37	0	38	38	0	45	45	0	7	7
Budgetary Resources	1,725	1,554	330,334	1,725	1,639	361,487	1,728	1,676	361,502	3	37

H. Summary of Reimbursable Resources

Summary of Reimbursable Resources

Obligations by Program Activity	2012 Actual			2013 Planned			2014 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
Criminal Litigation	1,360	1,224	254,920	1,360	1,292	282,273	1,362	1,321	282,284	2	29	11
Civil Litigation	361	328	67,763	361	343	75,034	362	351	75,038	1	8	4
Legal Education	4	4	7,701	4	4	4,160	4	4	4,160	0	0	0
Budgetary Resources	1,725	1,554	330,384	1,725	1,639	361,467	1,728	1,676	361,502	3	37	15

I. Detail of Permanent Positions by Category

Detail of Permanent Positions by Category

United States Attorneys
Salaries and Expenses
(Dollars in Thousands)

Category	2012 Appropriation Enacted with Balance Rescissions		2013 Continuing Resolution		2014 Request		Total Reimb. Pos.
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.	Program Increases	Program Offsets	
Miscellaneous Operations	5	0	38	0			38
Security Specialists (090)	33	4	31	4			31
Intelligence Series (132)	68	0	68	0			68
Social Sciences (100-199)	8	17	8	17			8
Personnel Management (200-299)	205	1	209	1			209
Clerical and Office Services (300-399)	1,362	232	1,459	232			1,459
Accounting and Budget (500-599)	275	66	275	66			275
Attorneys (005)	5,451	775	5,451	775		-5	5,566
Paralegals (650)	1,013	210	941	210	10		951
Other Law (900-998)	1,653	353	1,588	353			1,588
Information & Arts (1000-1099)	50	0	51	0			51
Business & Industry (1100-1199)	45	8	43	8			43
Library (1400-1499)	15	0	14	0			14
General Investigative Series (1801-1810)	46	52	49	52	40		89
Criminal Investigative Series (1811)	21	1	22	1			22
Supply Services (2000-2099)	8	0	8	0			8
Information Technology Mgmt (2210)	371	6	373	6			373
Total	10,629	1,725	10,629	1,725	0	-5	10,814
Headquarters (Washington, D.C.)	356	10	356	10	0	0	356
U.S. Field	10,273	1,715	10,273	1,715	0	-5	10,458
Foreign Field	0	0	0	0	0	0	0
Total	10,629	1,725	10,629	1,725	0	-5	10,814

Note: The Total Reimbursable columns reflect USA's authorized reimbursable position totals. While authorized reimbursable FTE totals have historically been reported in this column, we are adjusting this exhibit to capture reimbursable positions, not FTE, since the title of this exhibit is a "Detail of Permanent Positions by Category."

Financial Analysis of Program Changes
United States Attorneys
Salaries and Expenses
(Dollars in Thousands)

889

	Criminal Litigation				Civil Litigation			
	Financial Fraud		Overhead Reduction		Financial Fraud		Overhead Reduction	
	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount
Grades:								
SES								
GS-15								
GS-14	12	1,270			8	845		20 2,115
GS-13	24	2,147			16	1,432		40 3,579
GS-12								0 0
GS-11								0 0
GS-10								0 0
GS-9	6	311			4	208		10 519
GS-8								0 0
GS-7								0 0
Ungraded	72	8,628			48	5,752		120 14,380
Total positions & annual amount	114	12,956	0	0	76	8,237	0	190 20,593
Lapses (-)	(57)	(6,176)	0	0	(38)	(4,119)	0	0 10,297
Other personnel compensation								
Total FTE & personnel compensation	57	6,178	0	0	38	4,119	0	190 10,297
Personnel benefits		1,987				1,322		3,309
Travel and transportation of persons		329				219		548
Transportation of things		24				15		40
GSA rent								(3,625)
Communication, rents, and utilities		236		(2,853)		158		(772)
Printing		13		(986)		9		(872)
Advisory and assistance services		669		446		446		22
Other services		4,630		(4,727)		3,087		(1,278)
Purchases of goods & services from Government accounts		253		(4,336)		169		(1,309)
Research and development contracts		0		0		0		452
Operation and maintenance of equipment		89		(365)		0		0
Supplies and materials		1,492		60		995		(464)
Equipment						995		149
Total Program Change Requests	57	\$15,900	0	(\$13,772)	38	\$10,600	0	190 \$9,000

K. Summary of Requirements by Grade

Summary of Requirements by Grade

United States Attorneys
Salaries and Expenses
(Dollars in Thousands)

Grades and Salary Ranges		2012 Enacted		2013 Continuing Resolution		2014 Request		Increase/Decrease	
		Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount
EX	\$ 145,700 - 199,700	0	0	0	0	0	0	0	0
SES/SL	\$ 119,554 - 179,700	14	0	14	0	14	0	0	0
GS-15	\$ 123,758 - 155,500	95	0	105	0	105	0	0	0
GS-14	\$ 105,211 - 136,771	105	0	114	0	134	0	0	0
GS-13	\$ 89,033 - 115,742	445	0	467	0	507	0	20	0
GS-12	\$ 74,872 - 97,333	666	0	713	0	713	0	40	0
GS-11	\$ 62,467 - 81,204	870	0	878	0	878	0	0	0
GS-10	\$ 56,857 - 73,917	95	0	95	0	95	0	0	0
GS-9	\$ 51,630 - 67,114	591	0	523	0	533	0	10	0
GS-8	\$ 46,745 - 60,765	565	0	530	0	530	0	0	0
GS-7	\$ 42,209 - 54,875	1,002	0	966	0	966	0	0	0
GS-6	\$ 37,983 - 49,375	170	0	146	0	146	0	0	0
GS-5	\$ 37,075 - 44,293	175	0	158	0	158	0	0	0
GS-4	\$ 30,456 - 39,590	170	0	174	0	174	0	0	0
GS-3	\$ 27,130 - 35,269	110	0	112	0	112	0	0	0
GS-2	\$ 24,865 - 31,292	85	0	158	0	158	0	0	0
GS-1	\$ 22,115 - 27,663	20	0	25	0	25	0	0	0
Ungraded Positions		5,451	0	5,451	0	5,566	0	115	0
Total, Appropriated Positions		10,629	0	10,629	0	10,814	0	185	0
Average SES Salary			\$167,920		\$168,529		\$168,529		
Average GS Salary			\$65,145		\$65,657		\$66,313		
Average GS Grade			9		9		9		

L - Summary of Requirements by Object Class

Summary of Requirements by Object Class

United States Attorneys
Salaries and Expenses
(Dollars in Thousands)

Object Class	2012 Actual		2013 Availability*		2014 Request		Increase/Decrease	
	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	FTE	Amount
11.1 Full-Time Permanent	8,366	921,166	8,381	934,772	8,471	945,384	90	10,612
11.3 Other than Full-Time Permanent	1,336	42,576	1,336	42,994	1,336	42,994	0	0
11.5 Other Personnel Compensation	0	13,500	0	13,527	0	13,527	0	0
Overtime	0	0	0	0	0	0	0	0
Other Compensation	0	2,542	0	2,542	0	2,542	0	0
11.8 Special Personnel Services Payments	0	4,815	0	4,944	0	4,942	0	1
Total	9,702	982,077	9,717	996,234	9,807	1,006,947	90	10,613
Other Object Classes								
12.0 Personnel Benefits		288,400		304,704		314,118		9,414
21.0 Travel and Transportation of Persons		30,612		30,956		31,404		448
22.0 Transportation of Things		4,711		4,737		4,777		40
23.1 Rental Payments to GSA		243,769		250,927		261,059		10,132
23.2 Moving/Lease Expirations/Contract Parking		4,299		4,348		9,627		5,279
23.3 Communications, Utilities, and Miscellaneous Charges		34,575		37,205		34,099		-3,106
24.0 Printing and Reproduction		1,893		1,820		1,942		22
25.1 Advisory and Assistance Services		54,317		56,695		55,923		-770
25.2 Other Services from Non-Federal Sources		150,385		164,927		164,434		-493
25.3 Other Goods and Services from Federal Sources		39,280		41,602		38,642		-2,960
25.4 Operation and Maintenance of Facilities		6,067		6,152		3,706		-2,446
25.5 Research and Development Contracts		0		0		0		0
25.6 Medical Care		1,262		1,258		1,262		4
25.7 Operation and Maintenance of Equipment		8,215		8,248		4,748		-3,500
25.8 Subsistence and Support of Persons		4		4		4		0
26.0 Supplies and Materials		16,125		16,557		16,706		149
31.0 Equipment		58,499		54,048		52,892		-1,156
32.0 Land and Structures		20,543		5,232		5,232		0
41.0 Grants, Subsidies, and Contributions		0		0		0		0
42.0 Insurance Claims and Indemnities		327		295		293		-2
Total Obligations		1,945,360		1,986,049		2,007,717		21,668
Subtract - Unobligated Balance, Start-of-Year		-6,503		-13,248		0		13,248
Subtract - Transfers/Reprogramming		0		-806		0		806
Subtract - Recoveries/Refunds		0		0		0		0
Add - Unobligated End-of-Year, Available		0		0		0		0
Add - Unobligated End-of-Year, Expiring		0		0		0		0
Total Direct Requirements		1,938,857		1,971,995		2,007,717		36,723
Reimbursable FTE								
Full-Time Permanent	1,554		1,639		1,676		37	
23.1 Rental Payments to GSA (Reimbursable)		20,000		20,000		20,000		0
25.3 Other Goods and Services from Federal Sources - DHS Security (Reimbursable)		0		0		0		0

*The 2013 Availability includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

United States Trustee Program

FY 2014 Budget Request



March 6, 2013

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I. Overview of the United States Trustee Program

The U.S. Trustee Program's ("USTP" or "Program") FY 2014 budget request totals 1,314 permanent positions (318¹ attorneys), 1,202 work years, and \$225,728,000.

The USTP's budget request will be fully offset by bankruptcy fees collected and deposited into the U.S. Trustee System Fund.

Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.justice.gov/02organizations/bpp.htm>.

USTP Mission and Program Activities

The Program's mission is reflected in Goal 2, Strategic Objective 2.6 of the Department of Justice Strategic Plan for FY 2012 – FY 2016: Protect the federal fisc and defend the interests of the United States.

Mission Statement: The United States Trustee Program is the component of the Department of Justice whose mission is to promote the integrity and efficiency of the bankruptcy system for the benefit of all stakeholders – debtors, creditors, and the public.

The USTP seeks to promote the efficiency and protect the integrity of the Federal bankruptcy system. It ensures the just, speedy and economical resolution of cases filed under the Bankruptcy Code, monitors the conduct of bankruptcy parties and private trustees, and acts to ensure compliance with applicable laws and regulations. The FY 2014 budget request supports the Program's efforts in this regard. The level of funding requested would enable the Program to continue its efforts to address the Administration's priority to defend and protect the federal fisc by identifying and combating mortgage fraud and creditor abuse in the bankruptcy system while implementing cost savings and sustainable Program efficiencies. The request describes the Program's efforts to manage its sustained workload and the continuing need to address critical, complex enforcement issues.

Since the implementation of the Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA) in October 2005, the volume and complexity of the Program's workload has grown dramatically. Increasing civil enforcement efforts related to bankruptcy fraud, mortgage fraud, creditor abuse, etc., and the Program's invaluable participation in a number of working groups and task forces significantly increase this demand.

The FY 2014 request supports the Program's most critical operational needs particularly with regard to mortgage fraud and creditor abuse activities -- an area that continues to grow in terms of case complexity. The Program will continue to use information technology and capital

¹ The USTP is working with the Department of Justice to reclassify the position of Assistant U.S. Trustee from the Miscellaneous Administration and Program Series (0301) to the General Attorney Series (0905) to reflect their primary duties as the legal and administrative management of an office. A total of 95 AUST positions would be reclassified.

infrastructure requirements reflected below to further streamline program functions and efficiencies.

- USTP Enterprise Information Portal
- Uniform Chapter 11 Periodic Reports
- Cloud Computing Commodity IT Services
- Critical Lifecycle Maintenance
- Lease Expirations and Office Moves

Sustainable Efficiencies and Infrastructure Requirements

The following sustainable efficiencies are designed to move staff allocations and funding away from the routine repetitive tasks that can be addressed through automation and move the resources to the Program's civil enforcement efforts.

USTP Enterprise Information Portal: The USTP portal is a web interface that will allow USTP staff to access all data collections, rather than having to search through several different systems. The portal will enhance the productivity of Program staff by furnishing:

- a single point of data entry for multiple USTP applications, reducing duplicate data entry and retrieval efforts
- an intuitive, web-based graphical user interface (GUI)
- a secure, single point of access for USTP users

By reducing duplicate data entry by staff and streamlining the retrieval of case data across multiple data collections, the Program anticipates that it can reduce the time spent on each case. This gain in efficiencies would help to partially offset the effects of increased case complexity and staffing levels that are not increasing.

A key element of the USTP Portal transition will be a much-needed updating of the Program's management of case data. The portal will provide a unified and consistent source of bankruptcy case data for management and reporting across multiple applications. The current repository for case data, the Automated Case Management System (ACMS), is based on old technology that is increasingly difficult to maintain and virtually impossible to update. As such, functionality in ACMS simply has not kept pace with the Program's needs. Most users find its antiquated "green screen," character-based interface difficult to use. Further, its lack of a unified structure allows data to be input inconsistently across regions.

The portal would collapse all USTP data by case, allowing field staff to share data between data collections, reduce redundant data entry, and display all pertinent USTP activity for any case at one time. Currently, case data is stored in several different data collections -- ACMS, the Significant Accomplishments Reporting System (SARS), the Criminal Enforcement Tracking System (CETS), the Means Test Review System (MTR), the Debtor Audit System (DAS) and the Fee Information and Collection System (FICS). A single portal would eliminate duplication of data and streamline the collection, review, and analysis process by field staff.

The FY 2014 request includes funding to allow for advancement toward the implementation of the multi-phased project.

Uniform Chapter 11 Periodic Reports: The USTP Chapter 11 Uniform Forms Data Collection System would collect the electronic data from the uniform data-enabled Chapter 11 Periodic Reports filed in non-small business bankruptcy cases. The collection of this data would allow the Program to perform a standard analysis across the country for large chapter 11 cases. In addition, the electronic disbursement data from these uniform forms could be loaded to the Program's Fee Information Collection System, reducing some of the manual data entry performed by field staff.

The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA) requires the Attorney General to disseminate uniform Chapter 11 periodic reports for use in non-small business cases. This task was delegated to the U.S. Trustee Program within the Department. The Program is developing the uniform reports to be "data-enabled" to allow for extraction of electronic data after the forms are filed with the bankruptcy courts. The Program is currently collecting data from the Chapter 7, 12, and 13 uniform final reports in a similar manner. The extracted data would be stored in the Chapter 11 Uniform Forms Data Collection System for use and analysis by Program staff.

The FY 2014 request includes funds to initiate the development of the data collection process.

Cloud Computing Commodity IT Services: The Program will work with the Department to transition to Commodity IT Services. As part of the PortfolioStat process, the Department will develop a commodity action plan. The commodity action plan will identify opportunities to centralize component efforts and allocate resource investment opportunities. The plan will also allow components to pursue cost avoidance solutions that make sense to their missions.

Lease Expirations and Office Moves: The Program manages 95 office locations nationwide and over 400 public meeting room spaces. All have different expiring lease arrangements; therefore, in any given year, the Program must be prepared for lease renewals and office moves where we are not able to negotiate an acceptable lease renewal. In these instances, the Program is forced to incur significant move and space renovation costs. Some of this expense will be offset by the Program's new reduced space allocations standards and office consolidations; however, it is still anticipated that forced move costs and associated renovations could exceed \$1 to \$2 million each fiscal year. Lease expiration and office move requirements will be addressed on a case-by-case basis and funded from within the Program's base funding level. The USTP will take advantage of viable opportunities for office space consolidation as its lease expirations surface.

Life Cycle Maintenance: Program operations rely heavily on core infrastructure, from computers, printers, telecommunications, servers, software, to scanners and copiers. While stretching the life cycle years helps reduce costs, the reality is that in any given year, any well-run, efficient organization must invest in a portion of its infrastructure in order to properly maintain and minimize the capital outlay each year. Adequate funding for lifecycle maintenance is essential to ensure that there is no interruption in the Program's day-to-day operations as a result of systems or equipment failure. Delaying standard life cycle infrastructure investments places the Program at risk for critical failures at some point in an organization's future. The FY 2014 request supports the essential incremental life cycle maintenance requirements that are critical to USTP operations.

The above initiatives also meet the requirements of Executive Order 13563 which emphasize the importance of reducing regulatory burdens and costs as well as the Paperwork Reduction Act of 1995 (PRA).

Post-BAPCPA Filings and Revenue

Bankruptcy filings have historically fluctuated from year to year. For the past century, filings have increased about two thirds of the time and decreased during the other one third. This pattern has continued post-BAPCPA. Filings increased dramatically from just below 760,000 in FY 2007 to over 1.5 million in FY 2010. Bankruptcy filings during FY 2012 totaled 1.2 million, down about 14% from FY 2011 filings, but 60% higher than the FY 2007 low that was recorded following the implementation of the BAPCPA.

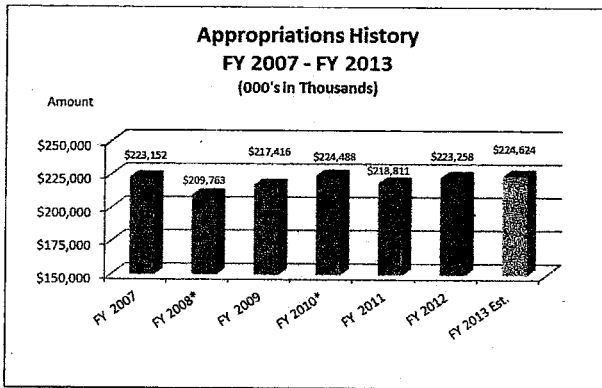
The ability to project filings one year or more out is difficult as various factors that are external to the Program can result in significant volatility. During FY 2011, filings began trending downward and the USTP's current projection for FY 2013 is approximately 1.08 million filings. If historical trends prevail, the Program anticipates that filings should trend upward again by the end of FY 2013, and that about 1.4 million cases will be filed in FY 2014.

Offsetting collections from bankruptcy fees exceed the Program's appropriation in most but not all fiscal years. The most recent exceptions were the three consecutive fiscal years following passage of the BAPCPA (FY 2006, 2007 and 2008). This tracks with the purpose of the Trust Fund, into which excess fees are deposited during periods of increasing bankruptcy case filings, and from which funds are withdrawn to cover the Program's appropriation during periods of declining case filings. In FY 2009, offsetting collections began accruing in the Trust Fund once again as a result of increasing bankruptcy filings, and during the period FY 2009 through FY 2012, the Trust Fund grew by almost \$125 million. The Program is currently projecting that FY 2013 offsetting collections will reach approximately \$218 million, which is about \$7 million less than the annualized FY 2013 Continuing Appropriation Resolution funding level (P.L. 112-175). The Program anticipates a \$7 million draw down from the Trust Fund for FY 2013 operations. However, the Program estimates FY 2014 offsetting collections at \$261 million – about \$35 million more than the FY 2014 request, which will be deposited back into the Trust Fund.

The USTP's FY 2014 budget request totals \$225,728,000. A hiring freeze was instituted by the USTP early in FY 2010 and many vacancies created by attrition still remain vacant. A Department-wide partial hiring freeze has been in effect since January 2011. Additionally and for the second time since BAPCPA implementation, the Program suspended debtor audits from June 2011 through the end of December 2011 due to continuing funding constraints. (Debtor audits were first suspended on January 2, 2008 and were resumed on May 12, 2008 at reduced levels.³) All other non-personnel requirements were reduced to the maximum extent possible, with a conscious effort toward having the least amount of impact on overall operations while continuing the Program's commitment toward meeting its objectives.

² Debtor audits continued at the reduced rate of one out of every 1,000 cases filed.

The following chart reflects USTP enacted amounts for the period FY 2007 through FY 2012 and an estimate for FY 2013 based upon the Continuing Appropriations Resolution, 2013 (P.L. 112-175).



*Note: The FY 2008 amount includes \$20 million in prior year unobligated balances to augment the amount appropriated and the FY 2010 amount was augmented with \$5.2 million in prior year unobligated balances.

A. Background

The nation's bankruptcy laws are premised on the notion that honest, but unfortunate debtors should be able to receive a fresh start and return to becoming economically productive members of society. The USTP's mission, as set forth in Strategic Objective 2.6 of the Department's Strategic Plan, reinforces these laws by ensuring that they are fairly enforced.

The USTP is a national program with broad administrative, regulatory, and litigation authorities. Its duties are set out primarily in titles 11 and 28 of the United States Code and range from consumer bankruptcy cases to large corporate reorganizations. In addition to specific statutory duties and responsibilities, United States Trustees may raise and may appear and be heard on any issue in any case or proceeding under title 11, the Bankruptcy Code.

The Program litigates to protect the integrity of the bankruptcy system and to help ensure that the Bankruptcy Code is interpreted nationally in a consistent and fair manner. The USTP is the only participant in the bankruptcy system with a national perspective and a responsibility to develop coherent case law in all jurisdictions.

With the enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA) of 2005 (P.L. 109-8), the USTP was provided new enforcement responsibilities and important statutory tools to assist it in identifying and civilly prosecuting those who abuse the bankruptcy system. The enforcement actions taken by the Program reflect a balanced approach to address wrongdoing both by debtors and by those who exploit debtors – creditors (including mortgage servicers), attorneys, and bankruptcy petition preparers who prey on vulnerable debtors using fraud and deceptive practices. The combined result of the Program's efforts is to deter abuse, maximize the returns to creditors, and strengthen the laws to ensure that relief is appropriately granted.

The USTP invests in the development of information and decision support systems that enhance the USTP's e-government capacities and make operations more effective and efficient.

B. Full Program Costs

The USTP budget is contained in one decision unit, the Administration of Cases, which encompasses all operational activities and includes the direct cost of all outputs, indirect costs, and common administrative systems. There are two main Program activities: 1) enforcement and 2) case and trustee administration. The work years and associated funding are allocated to these Program activities based upon the direct, productive hours of the USTP staff performing enforcement and case administration activities, as well as resources directly related to the performance of these activities. Administrative and other overhead costs are allocated based upon the direct hours expended for the two Program activities.

C. Performance Challenges

External Challenges. There are a number of external factors that impact the operations of the United States Trustee Program. While the USTP is responsible for oversight of the panel and standing trustees who handle bankruptcy cases and for litigating issues that arise in those cases before the bankruptcy courts, the federal judiciary is responsible for adjudicating the bankruptcy cases. Thus, the Program must work cooperatively with the federal courts on numerous legal and other issues of mutual interest affecting the integrity of the bankruptcy system. For example, the USTP worked with the courts to enhance the information it receives electronically from the courts to streamline its ability to review bankruptcy petitions and schedules. It also worked cooperatively with the courts to implement new uniform trustee final reports required by law to be filed with the courts by panel and standing trustees.

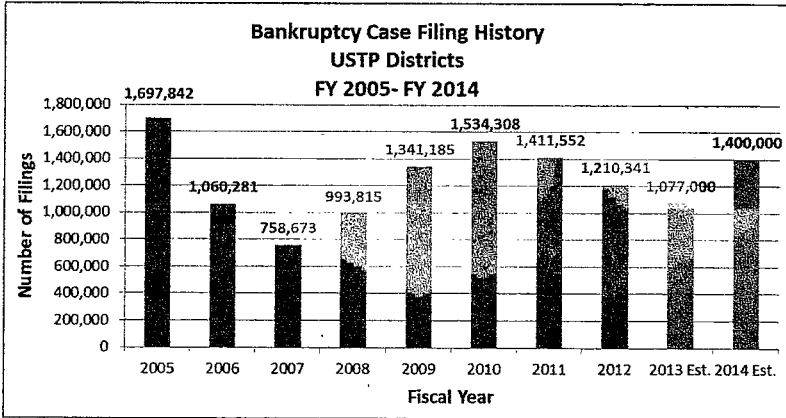
The USTP enforces and defends challenges to provisions of the Bankruptcy Code, including by litigating issues of first impression and carrying out numerous administrative and other duties arising under the bankruptcy law. The USTP also faces challenges in detecting evolving and innovative schemes of fraud and abuse, including creditor abuse, mortgage fraud, and complex financial fraud and abuse that affect the bankruptcy system.

The USTP's funding is entirely fee based, and as a result is impacted by fluctuations in bankruptcy filings. The Program has no control over the number of filings or the chapter under which a bankruptcy petition is filed. For example, in the two weeks leading up to the October 17, 2005, BAPCPA effective date, 600,000 cases were filed. Following the implementation of the BAPCPA, bankruptcy filings plunged and the USTP experienced a substantial decrease in the level of revenue that was collected to support its operations. Over the remaining fifty weeks of the year approximately 460,000 cases were filed.

Within two years of BAPCPA implementation, bankruptcy filings were again on the rise. During the period FY 2008 through FY 2010, filings increased by over 100 percent with FY 2010 filings totaling 1.53 million. Over the last two years filings have dropped from FY 2010 levels to 1.21 million in FY 2012. The Program estimates that 1.08 million cases will be filed in FY 2013, and in FY 2014 filings will rise to 1.4 million. Although bankruptcy filing levels are routinely monitored to detect changing trends early on, the projections are extremely volatile.

The following chart reflects actual and projected filings for fiscal years 2005 through 2014 estimated.³

1. Bankruptcy Filings



Internal Challenges The USTP also faces internal challenges resulting from its efforts to address new and emerging concerns in the areas of mortgage foreclosure and creditor abuse, an increased number of large, complex chapter 11 filings, its ongoing efforts to enforce bankruptcy reform, and its fluctuating workload. In FY 2006, the USTP received a program enhancement specifically to address its added responsibilities under the BAPCPA. At the same time, filings and revenues dropped, requiring draw-downs from the System Fund in FY 2006, FY 2007 and FY 2008 to fund the USTP's operations. The USTP successfully responded to this reduction by streamlining operations, imposing a hiring freeze, temporarily suspending debtor audit activities and later reinstating the audits at a reduced level, and by reducing or eliminating all other categories of expense. At the same time that revenues fell and authorized positions were reduced, the bankruptcy caseload began to rise, increasing a total of 77% during FY 2008 and FY 2009. By the end of FY 2010, bankruptcy filings topped 1.5 million, more than double the FY 2007 level. Even with the recent declines, actual filings during FY 2012 totaled over 1.2 million. The Program currently is projecting filings to decline slightly to 1.08 million in 2013, and trend up once again in FY 2014.

The Program assumed substantially increased duties with the BAPCPA including means testing, credit counseling oversight and debtor audits, while continuing to investigate and litigate novel and complex issues associated with national mortgage servicers and large chapter 11 bankruptcy filings. The Program also continues to be very much involved in new and complex issues associated with mortgage foreclosures, national mortgage servicers, and large chapter 11

³ Reflects bankruptcy filings under all chapters of the bankruptcy code, as reported by the Administrative Office of the U.S. Courts (AOUSC).

bankruptcy filings. The increasing workload in civil enforcement efforts along with the sheer sophistication of mortgage fraud schemes and creditor abuse activities place an incredible burden on USTP staff to move cases through the system efficiently while overseeing and analyzing their progress to ensure no abuse or infractions have occurred. In addition, as widely reported in the press, the USTP is engaged in a comprehensive rewrite of the 1996 guidelines pertaining to compensation of professionals in cases ranging from large chapter 11 cases such as Lehman Brothers to more typical small business reorganizations. This process requires highly complex and sophisticated analyses, as well as extensive outreach to bankruptcy stakeholders and the courts. After promulgation of final guidelines in FY 2013, the USTP will conduct extensive training of its own staff to ensure vigorous and consistent enforcement of the guidelines nationwide.

2. U.S. Trustee System Fund

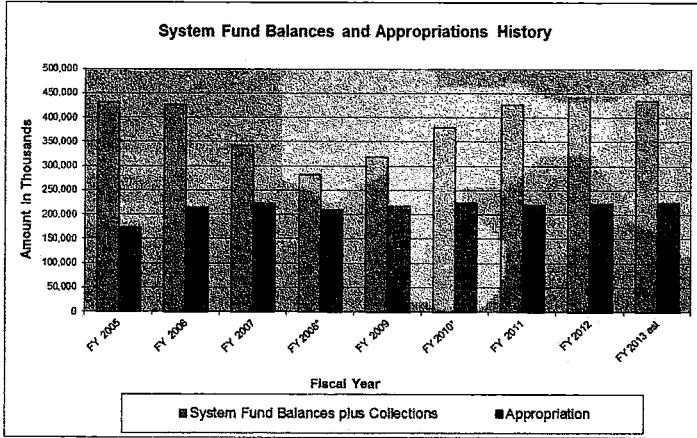
The self-funding characteristics of the USTP were a feature of the legislation establishing the Program, Public Law 99-554, enacted on October 27, 1986. Two categories of fees generate most of the revenue for the U.S. Trustee System Fund. The first category is the filing fee paid at the inception of each case for chapters 7, 11, 12 and 13, and the second category is the quarterly fee paid by chapter 11 debtors. The chapter 11 quarterly fees are determined by the cash disbursement levels of the debtor. All fees are deposited in the Fund as offsetting collections and are available to the USTP as specified in Appropriations Acts. Debt collection receipts, payment of excess percentage fees collected by chapter 12 or 13 trustees, and interest on invested funds also generate relatively small amounts of revenue for the Fund. Revenue in the Fund that is not needed for current expenses is invested in Treasury securities, and the income so earned accrues to the Fund.

Prior to FY 1997, the USTP's operations were funded through a combination of direct appropriations and offsetting collections. Since FY 1997, the USTP's operations have been funded solely from offsetting collections deposited into the U.S. Trustee System Fund. The annual revenue collected since FY 1997 combined with continued operational efficiencies provided sufficient resources to support the USTP's operations, making the need to supplement those revenues with direct appropriations unnecessary.

In FY 2006, bankruptcy filings fell dramatically following the effective date of the BAPCPA. Collections during the next three fiscal years were insufficient to support the USTP's operations, requiring draw-downs from the U.S. Trustee System Fund totaling \$165.1 million over the 3-year period. During FY 2009 the number of filings exceeded 1.3 million and actual collections for the fiscal year totaled over \$226 million. As a result, the System Fund grew by almost \$9.2 million in FY 2009. From FY 2009 to FY 2012, collections have exceeded amounts made available for obligation.

D. Revenue Estimates

The following chart reflects System Fund Balances for the period FY 2002 through FY 2013 as compared to the appropriation enacted for each fiscal year except FY 2013, which is estimated.



*The FY 2008 and FY 2010 resource levels include \$20.0 million and \$5.2 million in prior year unobligated balances, respectively.

Actual revenue collected by source, for the period FY 2008 through FY 2012 and estimated revenues for FY 2013 and FY 2014 follow.

Revenue Collected in FY 2008:

	<u>Amount</u>
Bankruptcy Fees:	
Filing Fees.....	\$79,239,888
Chapter 11 Quarterly Fees	78,334,677
Other	70,078
Interest earnings on investments	5,860,839
TOTAL DEPOSITS	163,505,482

Revenue Collected in FY 2009:

	<u>Amount</u>
Bankruptcy Fees:	
Filing Fees.....	\$107,189,094
Chapter 11 Quarterly Fees	118,504,046
Other	87,500
Interest earnings on investments	790,276
TOTAL DEPOSITS	226,570,916

Revenue Collected in FY 2010:

	<u>Amount</u>
Bankruptcy Fees:	
Filing Fees	\$121,696,328
Chapter 11 Quarterly Fees	155,210,330
Other	183,198
Interest earnings on investments	<u>797,591</u>
TOTAL DEPOSITS	277,887,447

Revenue Collected in FY 2011:

	<u>Amount</u>
Bankruptcy Fees:	
Filing Fees	\$110,528,544
Chapter 11 Quarterly Fees	155,809,951
Other	197,360
Interest earnings on investments	<u>1,004,725</u>
TOTAL DEPOSITS	267,540,580

Revenue Collected in FY 2012:

	<u>Amount</u>
Bankruptcy Fees:	
Filing Fees	\$94,072,400
Chapter 11 Quarterly Fees	139,289,367
Other	123,126
Interest earnings on investments	<u>652,342</u>
TOTAL DEPOSITS	234,137,235

Revenue Projections for FY 2013:

	<u>Amount</u>
Bankruptcy Fees:	
Filing Fees	\$94,072,400
Chapter 11 Quarterly Fees	122,717,540
Other	72,000
Interest earnings on investments	<u>1,000,000</u>
TOTAL PROJECTED DEPOSITS	217,861,940

Revenue Projections for FY 2014:

	<u>Amount</u>
Bankruptcy Fees:	
Filing Fees	\$109,880,260
Chapter 11 Quarterly Fees	150,509,270
Other	100,000
Interest earnings on investments	<u>1,000,000</u>
TOTAL PROJECTED DEPOSITS	261,489,530

E. Program Efforts toward Creating and Implementing an Environmental Management System (EMS)

The USTP continues its work toward improving its environmental management activities. The Program actively participates in a number of recycling and other greening initiatives and ensures compliance with existing Federal Acquisition Regulations. The following activities reflect the Program's continuing efforts toward managing and improving its environmental and health safety matters:

- The USTP's Facilities Management Division works with the General Services Administration (GSA) to ensure continued purchases and use of environmentally preferable building products and materials for the design, construction and operation of commercially owned office space occupied by the Program. Specifically, lessors are required to use products that are phosphate-free, non-corrosive, non-flammable, and fully biodegradable. In addition, lessors are required to use paper products with recycled content conforming to EPA standards. This information is included in GSA's standard leasing documents, and is a requirement for all new lease acquisitions.
- As required by Federal Acquisition Regulation (FAR) 23.705, the Program makes every effort to purchase electronic products which are Electronic Product Environmental Assessment Tool (EPEAT) registered, or EnergyStar Compliant products. Such products include computer monitors, desktop computers, notebook computers, printers and copiers.
- As required by FAR Subpart 23, the Program purchases supplies that are environmentally preferable products made from recycled content, such as copier paper, file folders, pens and remanufactured toner cartridges. Original equipment manufacturer cartridges that contain remanufactured content, on occasion, are purchased.
- The Program implemented a personal cell phone and rechargeable battery recycling project at the Executive Office for U.S. Trustees. The project is being expanded to other field offices.
- Recycling of paper products, cans, bottles and plastics is encouraged throughout the Program -- an effort highlighted through the use of signage, posters, and the continual availability of appropriate recycling receptacles.

II. Summary of Program Changes

The USTP does not anticipate any program changes in FY 2014.

III. Appropriations Language

The FY 2014 budget request includes proposed changes in the appropriations language set forth and explained below. New language is *italicized and underlined*, and language proposed for deletion is bracketed.

United States Trustee System Fund

For necessary expenses of the United States Trustee Program, as authorized, [\$227,407,000] \$225,728,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, [\$227,407,000] \$225,728,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year [2013] 2014, so as to result in a final fiscal year [2013] 2014 appropriation from the Fund estimated at \$0.

Analysis of Appropriation Language

No other substantive changes are proposed.

IV. Decision Unit Justification**Decision Unit: Administration of Cases**

<i>Administration of Cases</i>	Direct Pos.	Estimate FTE	Amount
2012 Enacted	1,314	1,216	\$223,258
2013 Continuing Resolution with 0.612% Increase	0	0	224,624
Base and Technical Adjustments	0	0	1,104
2014 Current Services	1,314	1,202	225,728
2014 Request	1,314	1,202	225,728
Total Change 2012-2014	0	0	2,470

<i>Administration of Cases</i> Information Technology Breakout	Direct Pos.	Estimate FTE	Amount
2012 Enacted	37	0	\$22,806
2013 Continuing Resolution with 0.612% Increase	0	0	22,548
Base and Technical Adjustments	0	0	5
2014 Current Services	37	0	22,553
2014 Request	37	0	22,553
Total Change 2012-2014	0	0	(253)

1. Program Description

The USTP operates in 88 judicial districts through a system of 21 regions defined pursuant to 28 U.S.C. Section 581(a). Each region is headed by a U.S. Trustee whose basic authority is conferred under 28 U.S.C. Section 586. U.S. Trustees are appointed by the Attorney General to oversee bankruptcy case administration in each of the Program's 21 regions by appointing private

trustees, litigating civil enforcement actions, and carrying out other duties. Each U.S. Trustee maintains a small regional staff that typically consists of an administrative officer, information technology specialist, and clerical assistant. The U.S. Trustees supervise a cadre of Assistant U.S. Trustees (AUSTs) who manage 95 field offices located in 46 states and Puerto Rico.⁴

The USTP's Executive Office, headed by the Office of the Director, provides comprehensive policy and management direction to the U.S. Trustees and their staff, and directly supervises the U.S. Trustees and the operations of the Executive Office for U.S. Trustees (EOUST). The Office of the Director also has the primary responsibility for liaison with the Department, Congress, the bankruptcy courts, private trustee organizations, and other stakeholders in the bankruptcy system (e.g., professional associations and debtor and creditor bar representatives). EOUST also includes the Office of the General Counsel, the Office of Oversight, the Office of Criminal Enforcement, the Office of Planning and Evaluation, the Office of Administration and the Office of Information Technology.

Creditor Abuse

Addressing violations of the Bankruptcy Code by creditors, including national mortgage servicers, remains a top Program priority. The USTP investigates and takes civil enforcement action in cases involving allegations that mortgage servicers file inaccurate claims that debtors owe more money than they actually owe, that a default has occurred when there has been no default, or that the mortgage servicers have been adding additional and undisclosed charges that are not permitted under the terms of the loan contract. The Program is investigating a significant number of allegations involving systemic abuse by national mortgage servicers and other creditors.

The United States Trustee Program has worked diligently to address all types of mortgage-related fraud and abuse as it is identified in bankruptcy cases. Protecting consumer debtors, including distressed homeowners facing foreclosure, continues to be an important Program objective, and it has diligently pursued those who prey on these individuals, whether it is mortgage servicers, attorneys, foreclosure rescue fraud operators, or bankruptcy document preparers. The Program also continues to combat fraud and abuse committed by debtors who use the bankruptcy system to further a mortgage-related or other fraud scheme.

Mortgage Servicer Enforcement Project

The USTP has been investigating mortgage lenders and servicers for several years, but efforts have intensified because of complaints of chronic accounting irregularities by mortgage-servicing companies. Such irregularities may appear in the documents a mortgage lender or servicer files in bankruptcy court asserting its right to collect on the mortgage debt (proof of claim) or to foreclose (motion for relief from the automatic stay). All USTP offices are charged with identifying and taking appropriate action to combat mortgage fraud and abuse.

In addition to its nationwide efforts involving mortgage servicers, the Program assigned about one-fifth of its field offices to a special concentrated effort. These offices conducted reviews of the proofs of claim and contested motions for relief from stay filed by major mortgage servicers and conducted discovery into the servicers' policies and procedures where the offices identified facial deficiencies. The offices confronted the mortgage servicers' numerous legal challenges to the Program's enforcement efforts.

⁴/ The USTP has jurisdiction in all federal judicial districts except those in Alabama and North Carolina. The Program has no office in North Dakota and Vermont; offices in South Dakota and New York cover those jurisdictions.

The Program's special concentrated effort and discovery into mortgage servicers' policies and procedures directly contributed to a national mortgage servicer agreement. On February 9, 2012, the Attorney General announced that the federal government and 49 state attorneys general reached a settlement agreement with the nation's five largest mortgage servicers—Bank of America Corp., JPMorgan Chase & Co., Wells Fargo & Company, Citigroup Inc. and Ally Financial Inc. (formerly GMAC) (collectively, "the servicers")—to address mortgage servicing, foreclosure and bankruptcy abuses. In the agreement, the USTP settled claims for the servicers' violations of bankruptcy requirements that protect debtors and ensure the integrity of the bankruptcy process. The servicers will pay \$25 billion in cash and financial relief to homeowners; adhere to a uniform and comprehensive set of mortgage-servicing standards, including provisions specific to bankruptcy; and subject themselves to three and a half years of compliance review by an independent monitor. In his announcement of the settlement, the Attorney General singled out the USTP, stating:

"The U.S. Trustees Program . . . was one of the first federal agencies to investigate mortgage servicer abuse of homeowners in financial distress. As part of their investigation, Trustees reviewed more than 37,000 documents filed by major mortgage servicers in federal bankruptcy court—and took discovery in more than 175 cases across the country. These efforts were advanced by several United States Attorney They have worked tirelessly to seek justice for homeowners who were treated unfairly and taxpayers who footed the bill. And the information and evidence that these teams compiled—and the expertise they provided—was essential in reaching this historic settlement."

In addition, the following are examples of Program's continuing and increasing involvement in litigation against national mortgage servicing entities:

- The Bankruptcy Court for the Eastern District of Louisiana in 2011 granted a motion filed by the U.S. Trustee's New Orleans office for sanctions against default servicer provider Lender Processing Systems, Inc. (LPS), in *In re Wilson*, No. 07-11862. The court found that the affidavit of debt executed by LPS employee Dory Goebel was the direct product of LPS' wholly inadequate training procedures and LPS' desire to perpetrate the illusion that she held detailed knowledge of the loan. These procedures led Ms. Goebel routinely to sign affidavits without having personal knowledge of the facts therein and without making any efforts to verify the facts she attested to in the affidavit. The court found LPS' policies for executing default affidavits were an abuse of the trust courts have traditionally afforded lenders. In addition, it summarized other cases in which mortgage servicers engaged in "shoddy practices and sloppy accountings." The court stated that these issues would not come to light, and countless debtors would suffer, "but for the dogged determination of the UST's office and debtors' counsel." Litigation is pending regarding sanctions to be imposed upon LPS.
- The Program also investigated allegations that Countrywide Home Loans, Inc., one of the nation's largest home loan servicers, was filing inaccurate documents in court, charging excessive or unearned fees, and pursuing home foreclosure actions after debtors emerged from bankruptcy in violation of court orders. Over a two-year period, the Program litigated against Countrywide in various jurisdictions and worked closely with the FTC to carry out parallel investigations. The investigations and litigation culminated in a global resolution

The Program also combats fraud and abuse by attorneys. For example, the United States Trustee's office recently worked with law enforcement agencies to investigate bankruptcy attorneys who were involved in a mortgage fraud scheme. The investigation resulted in a 15-count indictment that charged the attorneys and others with a \$14.7 million mortgage fraud scheme that targeted financially distressed homeowners facing foreclosure by falsely promising to save their homes, engaged in real estate transactions with straw purchasers, and obtained fraudulent mortgages for the purpose of stripping equity in the properties for their own profit. Three of the defendants have pleaded guilty and the remaining two are on trial.

The USTP protects the integrity of the bankruptcy system by combating fraud and abuse committed by those who prey on consumer debtors. For example, in November 2010, in Phoenix, the United States Trustee obtained a judgment against Foreclosure Home Savers ("FHS"), its owners and its employees. FHS purported to offer homeowners assistance in modifying their home loans, and promoted its loan modification services on a local radio station that catered to the Spanish-speaking population. During a weekly radio show on financial issues led by a principal of FHS, individuals in financial distress, many who were facing foreclosure, would call for assistance. The principal would steer them to FHS for "loan modification" services, for which it typically charged \$4,500. However, FHS did not provide loan modification services. Instead, it prepared and filed incomplete bankruptcy documents on its customers' behalf. Many cases were then dismissed because of the deficient documents. Often, FHS would re-file the cases without the debtors' knowledge, only to have the court dismiss them again. A majority of FHS customers lost their homes. After trial, the bankruptcy court imposed fines of \$304,500 jointly and severally against the defendants. It also imposed treble fines totaling \$913,500 against Frank and Gloria Campos, principals of Gold Capital Investment Corporation – an affiliate of Foreclosure Home Savers involved in the scheme. Additionally, the court entered an injunction against all defendants permanently prohibiting them from acting as bankruptcy petition preparers in the district, ordered them to provide a full refund to 81 identified customers, and ordered them to pay additional damages in the amount of \$2,000 or twice the amount the debtors paid for services, whichever was greater.

The Program also takes action to protect consumer creditors. For example, the United States Trustee objected to the chapter 7 discharge of an individual who operated a multi-state Ponzi scheme that claimed more than 300 victims. After the Ponzi scheme was discovered, an involuntary chapter 7 case was filed against the debtor, who had previously sold notes totaling more than \$30 million to his unsuspecting victims. The bankruptcy court granted the United States Trustee's request to deny the discharge.

Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA) of 2005

The Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA) of 2005 (P.L. 109-8) was signed into law on April 20, 2005. The Act provided the USTP with new tools to enhance the integrity and efficiency of the bankruptcy system for the benefit of all parties. Despite the difficulties presented by the unprecedented surge in filings in the two weeks leading up to the implementation of the BAPCPA, the USTP successfully implemented and enforces the new law's important provisions. The BAPCPA assigned substantial new responsibilities to the USTP primarily, but not exclusively, in five major areas: means testing; credit counseling and debtor education; small business chapter 11s; debtor audits; and studies and data collection.

Means Testing

The Program also combats fraud and abuse by attorneys. For example, the United States Trustee's office recently worked with law enforcement agencies to investigate bankruptcy attorneys who were involved in a mortgage fraud scheme. The investigation resulted in a 15-count indictment that charged the attorneys and others with a \$14.7 million mortgage fraud scheme that targeted financially distressed homeowners facing foreclosure by falsely promising to save their homes, engaged in real estate transactions with straw purchasers, and obtained fraudulent mortgages for the purpose of stripping equity in the properties for their own profit. Three of the defendants have pleaded guilty and the remaining two are on trial.

The USTP protects the integrity of the bankruptcy system by combating fraud and abuse committed by those who prey on consumer debtors. For example, in November 2010, in Phoenix, the United States Trustee obtained a judgment against Foreclosure Home Savers ("FHS"), its owners and its employees. FHS purported to offer homeowners assistance in modifying their home loans, and promoted its loan modification services on a local radio station that catered to the Spanish-speaking population. During a weekly radio show on financial issues led by a principal of FHS, individuals in financial distress, many who were facing foreclosure, would call for assistance. The principal would steer them to FHS for "loan modification" services, for which it typically charged \$4,500. However, FHS did not provide loan modification services. Instead, it prepared and filed incomplete bankruptcy documents on its customers' behalf. Many cases were then dismissed because of the deficient documents. Often, FHS would re-file the cases without the debtors' knowledge, only to have the court dismiss them again. A majority of FHS customers lost their homes. After trial, the bankruptcy court imposed fines of \$304,500 jointly and severally against the defendants. It also imposed treble fines totaling \$913,500 against Frank and Gloria Campos, principals of Gold Capital Investment Corporation – an affiliate of Foreclosure Home Savers involved in the scheme. Additionally, the court entered an injunction against all defendants permanently prohibiting them from acting as bankruptcy petition preparers in the district, ordered them to provide a full refund to 81 identified customers, and ordered them to pay additional damages in the amount of \$2,000 or twice the amount the debtors paid for services, whichever was greater.

The Program also takes action to protect consumer creditors. For example, the United States Trustee objected to the chapter 7 discharge of an individual who operated a multi-state Ponzi scheme that claimed more than 300 victims. After the Ponzi scheme was discovered, an involuntary chapter 7 case was filed against the debtor, who had previously sold notes totaling more than \$30 million to his unsuspecting victims. The bankruptcy court granted the United States Trustee's request to deny the discharge.

Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA) of 2005

The Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA) of 2005 (P.L. 109-8) was signed into law on April 20, 2005. The Act provided the USTP with new tools to enhance the integrity and efficiency of the bankruptcy system for the benefit of all parties. Despite the difficulties presented by the unprecedented surge in filings in the two weeks leading up to the implementation of the BAPCPA, the USTP successfully implemented and enforces the new law's important provisions. The BAPCPA assigned substantial new responsibilities to the USTP primarily, but not exclusively, in five major areas: means testing; credit counseling and debtor education; small business chapter 11s; debtor audits; and studies and data collection.

Means Testing

The means testing provisions of the BAPCPA provide an objective approach for assessing a debtor's eligibility for chapter 7 relief. Under the means test, debtors with income above their State median income are presumed abusive if they have a certain level of disposable income after the deduction of expenses allowed under a statutory formula. The United States Trustees are the primary enforcers of the law. Among other things, United States Trustees must file a statement within ten days after the section 341 meeting of creditors if the case is presumed abusive. Thereafter, within thirty days, the UST must file a motion to dismiss the case or provide an explanation as to why such a motion is not warranted.

In FY 2012, approximately 13 percent of chapter 7 debtors had income above their state median. Of those cases filed by above median income debtors, 6 percent were "presumed abusive" under the means test. After consideration of a debtor's special circumstances the USTP declined to file motions to dismiss in about 60 percent of the presumed abuse cases that did not voluntarily convert or dismiss.

The USTP was extensively involved in the Judicial Conference's Advisory Committee on Bankruptcy Rules in the development of necessary official forms and accompanying rules to perform the means test. In addition, the USTP worked with the courts to enhance the information it receives electronically from the courts to permit it to streamline its review of bankruptcy petitions and schedules under the statutory means testing formula. The USTP made a major investment in training field personnel to perform the means test, including exercising appropriate discretion in deciding whether to file a motion to dismiss a case under the "presumed abuse" standard and the "special circumstances" exception.

Credit Counseling and Debtor Education

The credit counseling and debtor education provisions of the reform law provide protections for consumer debtors by helping ensure that debtors enter bankruptcy with full knowledge of their options and exit with information to help them avoid future financial calamity. The USTP is responsible for approving eligible providers of credit counseling and debtor education services. The BAPCPA requires individual debtors to seek credit counseling from approved providers as a condition of filing for bankruptcy. It also requires debtors to receive debtor education from an approved provider to receive a discharge of debts. Although enforcement practices differ according to local rules, the USTP's offices often are the primary agency ensuring debtor compliance.

At the close of calendar year 2012, there were 170 credit counseling agencies covering 88 judicial districts for pre-bankruptcy counseling. In addition to offering Internet and telephonic access, the companies maintained 645 walk-in locations for credit counseling. For post-bankruptcy debtor education, there were 268 approved debtor education providers covering 88 judicial districts. In addition to debtor education providers offering internet and telephonic access, there were 621 walk-in locations.

Quality Service Reviews (QSRs) allow the Program to corroborate information submitted in applications, observe credit counseling and debtor education sessions, and obtain information about the operations of the credit counseling agency or debtor education provider. The USTP completed 12 QSRs during FY 2012 and expects to complete 13 QSRs annually thereafter through FY 2014.

Chapter 11 Cases

The small business provisions of the BAPCPA establish deadlines and greater uniformity in financial reporting to ensure that cases expeditiously move through the chapter 11 process before assets are dissipated. They also provide important enforcement tools to the United States Trustees. To implement the BAPCPA's oversight provisions, and in conjunction with the Judicial Conference of the United States, the USTP developed a Monthly Operating Report (MOR) form for small business chapter 11 cases to make financial reporting simpler and more uniform.

In the 2005 bankruptcy reform law, Congress sought to curtail the practice of chapter 11 debtors' executives awarding themselves lavish bonuses during the bankruptcy case, which were often styled as "retention programs" that ostensibly dissuaded those executives from seeking employment elsewhere. In response, under section 503(c) of the Bankruptcy Code, Congress placed strict limits on the authority of debtors to make retention or severance payments to their insiders. The U.S. Trustee monitors proposed payments to insiders for compliance with section 503(c), and is often the only participant in the bankruptcy case that is willing or well-positioned to seek enforcement of that section. The U.S. Trustee may also object if a retention bonus has been improperly recharacterized as another type of payment, such as a performance or incentive bonus, in an attempt to avoid application of section 503(c). In many cases, such as *Borders, Inc.*, the U.S. Trustee's formal or informal objections have resulted in substantial voluntary changes to the debtor's proposed executive compensation programs. Courts have also sustained the U.S. Trustee's objections in cases such as *Fountainbleau Las Vegas Holdings* (court denied incentive bonus payments of \$1.069 million) and *GPX International Tire Corp.* (court denied bonuses of \$1.65 million to two senior executives).

The Program's responsibilities in business reorganization cases include such matters as the appointment of trustees when there are grounds to suspect that current management has participated in fraud, dishonesty, or other improper activity. The U.S. Trustee also seeks the appointment of examiners when independent investigations are needed. The U.S. Trustees have appointed independent examiners to investigate the financial affairs of the Tribune Company, Dynegy Holdings, LLC, and other chapter 11 debtors. In the Tribune Company case, the U.S. Trustee supported the appointment of an examiner to investigate and evaluate potential claims arising from a pre-bankruptcy leveraged buyout. The U.S. Trustee also successfully sought the appointment of a chapter 11 trustee in the Thornburg Mortgage Company case based on evidence that corporate officers had established a parallel company that was using Thornburg employees and resources to operate its business. In Dynegy, the U.S. Trustee filed a motion seeking the appointment of a trustee after the examiner appointed by the U.S. Trustee concluded, among other things, that a pre-petition restructuring by Dynegy and related companies was a fraudulent conveyance. The examiner's report and the U.S. Trustee's motion resulted in a generally consensual resolution by the parties of issues that could otherwise have been litigated for years. U.S. Trustees also appointed Chapter 11 trustees in cases such as *Rothstein Rosenfeld Adler* (an out-of-trust law firm), *M.W. Sewall* (an oil company with highly-conflicted management), *The Vaughan Company Realtors* (where the debtor allegedly participated in a pre-bankruptcy Ponzi scheme involving approximately 600 investors with over \$80 million in claims being asserted) and *MF Global* (parent and affiliates of commodities brokerage with an estimated \$1.2 billion in missing customer funds).

The Chapter 11 filing of *ResCap Residential Capital, LLC* has presented the U.S. Trustee with an unusual challenge. In addition to performing the U.S. Trustee's ordinary duties in a Chapter 11 case, the U.S. Trustee has, from the earliest days of the case, played the additional and unique role

of ensuring continued compliance by the debtor or any successor entity with the servicing standards heavily negotiated as part of the mortgage servicer settlement.

The U.S. Trustee was instrumental in negotiating the appointment of a fee examiner in several cases, including General Motors, American Airlines, and Kodak, to aid the court in the review and evaluation of fee requests by attorneys, financial advisors, and others. In the Lehman case, the U.S. Trustee has served as a member of the court-appointed fee committee that has sought to establish meaningful controls over the costs of the chapter 11 case.

One of the Program's most important roles under the BAPCPA in terms of its appellate activities has been to develop consistent case law. The USTP is the only participant in the bankruptcy system with a national perspective and a responsibility to develop coherent case law in all jurisdictions. The USTP has been handling an increasing number of appeals, many of which may have a profound and long-standing effect on the bankruptcy system. In FY 2012, the Program participated in 146 appeals beyond the bankruptcy court, including about two dozen cases at the United States court of appeals level. Additionally, the USTP has assisted the Office of the Solicitor General in its participation in two important bankruptcy cases that have reached the Supreme Court and the government's position was upheld in both cases.

Debtor Audits

The BAPCPA authorizes the USTP to contract for random and non-random audits to verify the financial information provided by debtors. This provision helps the USTP identify fraud, abuse, and errors, deter the filing of false financial information, and potentially provide a baseline for measuring fraud, abuse, and errors in the bankruptcy system. The debtor audits authorized by the BAPCPA commenced on October 20, 2006.

In fiscal years 2007 through 2010, the Program utilized available carry over funding to contract for debtor audits. The amount of carry over that was available limited the number of audits that could be funded. In FY 2008, the audits were suspended for several months until funding could be identified to resume the activity. Debtor audits continued each year thereafter at the reduced rate of one out of every 1,000 cases filed. The Program obligated approximately \$2.9 million during FY 2010, supporting 2,729 audits.

Carry over funding was again utilized to continue debtor audits at the reduced rate in FY 2011. In late February, in light of continued funding constraints, the USTP implemented an alternative approach for designating cases to be audited. This decision enabled the Program to continue its selection of cases for audit, reducing audit contracting costs while having a minimal effect on the precision of reporting material misstatements. The new strategy was in effect until mid-June when the selection of cases for audit was suspended due to extreme funding constraints. The Program notified the Department of Justice and the Congress via the FY 2011 Spend Plan of the decision to suspend the audits. The Program obligated approximately \$1 million during FY 2011, supporting 1,077 audits.

The suspension of debtor audits continued during the first quarter of FY 2012. However, after receiving its FY 2012 appropriation, the Program resumed the designation of cases for audit in January 2012, using the alternative approach for designating cases for audit. The USTP has allocated approximately \$1.5 million of the Program's base funding to support debtor audit activity in FY 2012.

Open Government

The USTP centrally processes all Freedom of Information Act (FOIA) requests received by the Executive Office for United States Trustees (EOUST) in Washington, DC, and the USTP's 95 field offices located throughout the country. Due to this centralization, the FOIA/Privacy Act staff in the Office of the General Counsel reviews all FOIA requests and they are able to consider whether discretionary release of information is appropriate in each instance. Pursuant to the President's and the Attorney General's FOIA Guidelines, the EOUST's FOIA staff frequently performs critical analysis, applying a presumption of openness and determining whether certain information should be made available to the public, even where a FOIA exemption may be applicable. Over the last two years, the USTP has established a processing standard of excellence, maintaining a zero backlog of requests in FY 2010 and FY 2011 despite a 27 percent increase in the number of requests during FY 2011.

In addition, the USTP successfully allocated its resources to increase transparency and openness in government, regularly making proactive disclosures of information and maintaining an updated electronic FOIA library. For instance, in June 2011, the EOUST launched an interactive dashboard to help the public learn more about the Language Assistance Program, which assists limited English proficiency individuals. Other examples of information posted on the EOUST's website include Questions and Answers for firms bidding for contracts to perform audits of chapter 13 trustees, several volumes of the USTP Policy and Practices Manual, and annual data tables providing summary statistics on the civil enforcement activities of the USTP. Indeed, as part of the President's Open Government Initiative, and in compliance with the Open Government Directive issued by the Office of Management and Budget (OMB), the Department of Justice has highlighted the continued online publication on Data.gov of the USTP's high-value sets of data not previously made available.

2. PERFORMANCE AND RESOURCE TABLE											
Appropriation: United States Trustee Program											
Decision Unit: Administration of Cases											
DOJ Strategic Goal/Objective: 2.6 Protect the federal fisc and defend the interests of the United States.											
	Target		Actual		Projected		Changes		Requested (Total)		
	FY 2012		FY 2012		FY 2013 CR		Current Services Adjustments & FY 2014 Program Changes		FY 2014 Request		
WORKLOAD/ RESOURCES											
Number of Chapter 7 Cases	1,072,000		853,471		1,072,000		-64,000		1,008,000		
Number of Chapter 11 Cases	12,000		10,208		12,000		-1,600		10,400		
Number of Chapter 12 Cases	850		515		850		-350		500		
Number of Chapter 13 Cases	425,000		346,005		425,000		-44,000		381,000		
Total Filings 1/	1,509,850		1,210,199		1,509,850		-109,950		1,399,900		
Total Costs and FTE											
	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	
TYPE / Strategic Objective	Performance /Resources	1,314	\$223,258	1,216	\$226,190	1,202	\$224,624	0	\$1,104	1,202	\$225,728
Program Activity	1. Civil Enforcement	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		603	85,611	486	85,486	460	86,011	0	423	460	86,434
Efficiency Measure	No. of 707(b) inquiries per successful outcome	7.0		4.4		7.0		0.0		7.0	
WORKLOAD/ RESOURCES											
Program Activity	2. Case and Trustee Administration	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		711	137,647	750	137,770	742	138,613	0	681	742	139,294
Outcomes	Median days in chapter 11 before case dismissal or conversion	THIS MEASURE DISCONTINUED BEGINNING FY 2012		N/A		N/A		N/A		N/A	
Outputs	Number of successful actions related to consumer protection	2,200		3,259		2,200		200		2,400	
	Number of successful discharge complaints	550		557		600		0		600	
	Potential Additional Returns to Creditors through Civil Enforcement and Related Efforts	\$925,000,000		\$1,961,526,940		\$925,000,000		\$25,000,000		\$950,000,000	

1/ Totals exclude bankruptcy filings under chapters 9 and 15 that are not administered by the Program.

PERFORMANCE MEASURE TABLE										
Appropriation: United States Trustee Program										
Decision Unit: Administration of Cases										
Performance Report and Performance Plan Targets		FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012		FY 2013	FY 2014
		Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Efficiency Measure	No. of 707(b) inquiries per successful	9.5	7.5	6.0	5.5	4.4	7.0	4.4	7.0	7.0
Outcome	Median number of days in chapter 11 before case dismissal or	224	190	181	186	211	This Measure is discontinued beginning in FY 2012		N/A	N/A
Outputs	Number of successful actions related to consumer	1,283	1,530	2,706	3,280	3,335	2,200	3,259	2,400	2,400
	Number of successful discharge complaints	642	512	512	517	586	550	557	600	600
	Potential Add'l Returns to Creditors	\$866 M	\$905 M	\$1,090 M	\$2,415 M	2,539 M	\$925 M	\$1,902 M	\$950 M	\$950 M

Data Definition, Validation, Verification, and Limitations:

Data Definitions:

Chapter 7: A liquidation case. A trustee is appointed to sell the debtor's non-exempt assets and distribute the proceeds to creditors. Generally, absent fraud or abuse, the remaining debts are discharged.

Chapter 11: A reorganization case. The debtor usually remains in possession of its assets, continues to operate its business, and repays and/or readjusts debts through a plan that must be approved by creditors and the bankruptcy court. Chapter 11 cases are generally business cases.

Chapter 13: A debt adjustment case by an individual with regular income. The debtor retains property, but repays creditors, in whole or in part, through a court-approved chapter 13 plan over a period not to exceed 5 years.

Civil Enforcement:

Number of 707(b) inquiries per successful outcome: This measure reflects the quality of U.S. Trustee Program inquiries to debtors or debtor attorneys. An efficiency ratio is calculated by dividing the sum of all 707(b)(2) and (b)(3) inquiries made by the Program to debtors or their attorneys in a fiscal year by the number of successful outcomes relating to 707(b)(2) and (b)(3). A

successful outcome is defined as a conversion to a more appropriate bankruptcy chapter, a dismissal of the bankruptcy case, or an abuse motion granted. A lower ratio suggests the Program is doing a better job of focusing staff effort (inquiries) on bankruptcy petitions requiring Program action.

Inquiries made under 707(b)(2) and (b)(3) help the Program assess a debtor's eligibility for chapter 7 relief. If a debtor is above the applicable state median and calculations show disposable income above a specified amount, there is a presumption of abuse. In many cases, this requires debtors to either agree to convert their case to chapter 13 or dismiss (cancel) their chapter 7 bankruptcy petition. Some motions granted and inquiries resulting in voluntary conversions or dismissals were initiated in the prior fiscal year.

Number of successful discharge complaints filed by the U.S. Trustee Program to prevent fraud and abuse by bankruptcy filers: Successful formal discharge complaints in a bankruptcy court to prevent fraud and abuse by bankruptcy filers. These complaints result in denial or revocation of a discharge of debt. It is the most serious civil remedy available to the Program in its effort to prevent fraud and abuse in the bankruptcy system and is taken to resolve issues such as hidden assets, unreported income, and exaggerated expenses. These figures do not include successful discharge complaints against debtors who are ineligible due to a prior discharge or who failed to complete a debtor education course.

Number of successful actions related to consumer protection: Reflects the number of motions and complaints granted and successful inquiries made by the U.S. Trustee Program to protect bankruptcy filers from fraud, abuse and error: Formal motions and complaints granted in a bankruptcy court and successful inquiries made by the U.S. Trustee prevent fraud, abuse, and error resulting from the inappropriate actions of creditors, petition preparers, attorneys, mortgage servicing agencies, and rescue mortgage scams. The measure includes actions under 11 U.S.C. §110, §526, §329, false/inaccurate/improper claims, discharge/stay violations under §524, abuse of reaffirmation procedures, improper solicitation, objection to relief from stay motions, and other actions for attorney misconduct.

Case and Trustee Administration:

Workload:

Number of cases: The number of new bankruptcy cases filed. This data is provided by the Administrative Office of the U.S. Courts on a quarterly basis.

Outcomes:

Potential Additional Returns to Creditors through Civil Enforcement Efforts: The amount of scheduled general unsecured debt in a chapter 7 case that was not immediately discharged in chapter 7 because of dismissal or conversion of the case, or because of the denial or voluntary waiver of the debtor's discharge, plus all professional fee reductions, professional fee disgorgements, and all fines imposed as a result of civil enforcement actions.

3. USTP Data Validation and Verification Process

The Significant Accomplishments and Reporting System (SARS) is the primary database utilized in connection with the U.S. Trustee Program's civil enforcement activity. Data of all informal and formal actions taken are entered by each of the USTP's 95 field offices. Data is verified at the end of each fiscal quarter by the AUST in each field office. The AUST conducts a SARS data verification process for the respective office and submits an email to the U.S. Trustee stating the data verification protocol for the office has been completed.

To ensure data integrity, efficiency, and effectiveness of existing and future data collection systems and to develop long-range goals and priorities to support the USTP mission, a Data Integrity Group (DIG) working group was formed. DIG, which consists of seven AUSTs, works closely with the EOUST Office of Planning and Evaluation. In connection with SARS, DIG reviews a sampling of SARS reports from at least one office in each of the 21 regions. These "spot checks" are conducted twice a year, or as needed. DIG establishes data element definitions, provides training and guidance to the field, and looks for ways to streamline the data collection process for more efficient and effective data collection systems.

Departmental Strategic Goals and Objectives and Results

The USTP mission is included in the DOJ Strategic Plan under Goal 2: Prevent Crime, Protect the Rights of the American people, and Enforce Federal Law, and Strategic Objective 2.6: Protect the federal fisc and defend the interests of the United States. The USTP achieves this objective through the following Program strategies:

Enforce compliance with federal bankruptcy laws and take civil actions against parties who abuse the law or seek to defraud the bankruptcy system.

The USTP's anti-fraud and abuse efforts focus on wrong-doing both by debtors and by those who exploit debtors. The USTP combats debtor fraud and abuse primarily by seeking case dismissal if a debtor has an ability to repay debts and by seeking denial of discharge for the concealment of assets and other violations. The USTP protects consumer debtors from wrongdoing by attorneys, bankruptcy petition preparers, creditors, and others by seeking a variety of remedies, including disgorgement of fees, fines, and injunctive relief.

To accomplish these objectives, the USTP uses existing statutory tools to combat fraud and abuse in the bankruptcy system and to protect consumers. Civil enforcement actions include taking steps to dismiss abusive filings, deny discharges to ineligible or dishonest debtors, limit improper refilings by debtors, curb unfair practices by attorneys, sanction unscrupulous bankruptcy petition preparers and others who prey upon those in financial straits, and attack identity fraud in bankruptcy.

The USTP has focused its civil enforcement efforts to redress abuses by creditors on identified practices among mortgage servicer agencies in chapter 13 cases, including: the filing of false or inaccurate claims; the assessment of unreasonable charges post-petition; and the failure to properly account for post-petition mortgage payments.

Since the USTP began tracking its civil enforcement and related actions in 2003, it has taken more than 570,000 actions with a monetary impact in excess of \$12.4 billion. During FY 2012, the

USTP's offices reported taking over 45,000 formal and informal civil enforcement actions, yielding over \$2.0 billion in debts not discharged in chapter 7, fines and other remedies. The USTP's attorneys prevailed in 98.5 percent of the actions resolved by judicial decision or consent in the fundamental areas of dismissal for abuse (11 U.S.C. § 707(b)), denial of discharge (11 U.S.C. § 727), fines against bankruptcy petition preparers (11 U.S.C. § 110), and disgorgements of attorney's fees (11 U.S.C. § 329).

Pursue violations of federal criminal laws pertaining to bankruptcy by identifying, evaluating, referring, and providing investigative and prosecutorial support of cases.

The integrity of the bankruptcy system depends upon debtors to self-report honestly and accurately all their assets and liabilities when they file for bankruptcy protection. The U.S. Trustees have an affirmative duty to refer instances of possible criminal conduct to the U.S. Attorney and to assist in the prosecution of such criminal conduct. The bankruptcy system requires vigorous prosecution of criminal violations to encourage honest, lawful behavior. Moreover, criminal referrals from the USTP show that bankruptcy crimes are often linked to other white collar crimes such as fraud in obtaining federally guaranteed mortgage loans, money laundering, identity theft, mail fraud, and wire fraud. The USTP tracks criminal referrals, evaluates current efforts, and cooperates with other federal agencies (e.g., the U.S. Attorneys and the Federal Bureau of Investigation (FBI)) to address this multi-faceted problem.

The Program's Office of Criminal Enforcement (OCE) coordinates the criminal referral responsibilities carried out by the USTP's 95 field offices and assists law enforcement in pursuing bankruptcy and related crimes. OCE also provides extensive training, develops resource materials, and enhances coordination for the benefit of the USTP's staff, federal prosecutors, and other law enforcement personnel.

In FY 2012, the USTP made 2,121 criminal referrals, an increase of 8 percent over FY 2011. Criminal referrals are over 82% higher than those reported in FY 2007, when the first report submission was required. Criminal referrals specific to mortgage fraud comprised 137 of the total number referred in FY 2011. In many cases, USTP's lawyers and other staff members assisted the prosecution team in cases initiated as a result of criminal referrals made by the USTP's offices. Program attorneys in field offices across the country who have been designated as Special Assistant U.S. Attorneys are available to try cases involving bankruptcy crimes.

- Frederic Alan Gladle, 53, who was charged on December 9, 2011, in U.S. District Court in Los Angeles with one count of bankruptcy fraud and one count of aggravated identity theft pleaded guilty to both counts on January 6, 2012. On May 3, 2012, Gladle was sentenced to 61 months in prison and was ordered to forfeit \$84,010. Gladle, who had several aliases, collected \$1.6 million from distressed homeowners over the last four years through the operation of a foreclosure rescue scheme involving in excess of 1,100 properties. Gladle, either directly or through salespersons, had homeowners transfer a fractional interest in their properties to unsuspecting bankruptcy debtors whom Gladle identified through court records. By doing so, Gladle was able to use the debtors' automatic stay in bankruptcy to stop foreclosure actions against the distressed homeowners. The U.S. Trustee's Wichita office detected the scheme and the USTP's Foreclosure Rescue/Petition Preparer Working Group referred the matter to federal law enforcement after conducting a nationwide investigation. Post referral, the USTP provided substantial assistance to the Federal Bureau

of Investigation and Special Inspector General for the Troubled Asset Relief Program (SIGTARP).

- Jeremie Sheneman and his father, Michael Sheneman, were each convicted on May 5, 2011, in the Northern District of Indiana on four counts of wire fraud. The Shenemans caused buyers to incur approximately \$3.45 million in mortgage debt on at least 60 properties, which produced approximately \$3.13 million in sale proceeds. Among other things, the Shenemans brokered deals, falsified buyers' income and assets, forged signatures, refused to let buyers see the interiors of properties they were buying, and concealed from lenders the fact that buyers had simultaneously applied for other mortgage loans. The U.S. Trustee's South Bend office investigated the matters and the U.S. Trustee referred them to the U.S. Attorney. The South Bend office, the Northern Indiana Bankruptcy Fraud Working Group, and the Regional Criminal Coordinator assisted in the investigation and prosecution of Jeremie Sheneman. Michael Sheneman was sentenced on September 15, 2011 to 97 months' imprisonment and ordered to pay restitution in the amount of \$269,967.50. Jeremie Sheneman was sentenced on August 3, 2012, to 120 months imprisonment followed by 3 years supervised release and ordered to pay restitution in the amount of \$269,967.
- On September 29, 2011, in the Eastern District of California, Royce Lee Newcomb was sentenced to five years and 10 months in prison to be followed by three years of supervised release, after pleading guilty to one count of wire fraud, and agreeing to make restitution. Newcomb admitted operating a \$2.9 million real estate Ponzi scheme, with a co-schemer, based on false promises to investors to purchase real estate with their funds. He also admitted to operating a foreclosure rescue scheme, charging homeowners between \$1,300 and \$3,800 to prepare and file serial bankruptcy cases to delay foreclosures. On occasion, cases were filed without the homeowner's knowledge. The U.S. Trustee's Sacramento office referred the foreclosure rescue scheme to the U.S. Attorney, and pursued a civil enforcement action against Newcomb.

The Program participates in more than 90 local bankruptcy fraud working groups, mortgage fraud working groups, and other specialized working groups/task forces throughout the country. The USTP also works closely with the Federal Bureau of Investigation, the Internal Revenue Service – Criminal Investigation, the Office of Inspector General of the Department of Housing and Urban Development, Postal Inspection Service, Secret Service, SIGTARP, and other federal law enforcement agencies. Section 158 of Title 18, which was enacted as part of the BAPCPA, requires every U.S. Attorney's Office to designate a prosecutor and every FBI field office to designate an agent to assume primary responsibility for bankruptcy fraud cases. This provision further strengthens existing working groups by formalizing points of contact and provides a foundation for establishing working groups where none currently exist.

The Program is required to submit a report to the Congress annually which details the number and types of criminal referrals made by the Program; the outcome of each referral; for any year in which the number of referrals is less than the prior year, an explanation of the decrease; and the Program's efforts to prevent fraud and abuse, particularly with respect to the establishment of uniform internal controls to detect common, higher risk frauds. The USTP has submitted its criminal referral report to the Congress annually since June 2007.

The USTP is continually monitoring and improving its criminal enforcement efforts. Field offices are required to prepare annual criminal enforcement plans that describe current practices, propose strategies for enhancing the detection and referral of criminal activity, and provide a status on the existence or development of a local bankruptcy fraud working group. These plans provide a basis for additional action and the development of best practices in this area.

The President's Financial Fraud Enforcement Task Force

The Financial Fraud Enforcement Task Force (FFETF) was established by President Obama in November 2009 to hold accountable those who helped bring about the last financial crisis as well as those who would attempt to take advantage of the efforts at economic recovery. The USTP is a participating member of the FFETF's Mortgage Fraud Working Group, the Securities Fraud Working Group, and the Consumer Protection Working Group.

As an integral member of the FFETF, the USTP participated in the Task Force's Operation Stolen Dreams, a nationwide sweep of mortgage fraud cases. The Operation was designed to highlight the significant threat posed by mortgage fraud to the nation's financial system and law enforcement's response to that threat. Operation Stolen Dreams featured both civil and criminal cases. On the civil side, the Program was the largest federal contributor, providing more than 35 cases. The Program's actions addressed a wide range of violations, including actions taken against mortgage servicers, foreclosure rescue operators, loan origination and loan modification scams, and real estate Ponzi schemes. More than two dozen of the criminal cases cited in the Operation were attributable to the Program. The Program also was a contributor to Operation Broken Trust, a nationwide operation organized by the FFETF to target investment fraud. Once again the Program contributed both civil and criminal cases.

Following are summaries of three criminal cases that were identified during Operation Stolen Dreams or Operation Broken Trust that are indicative of the Program's invaluable contributions to the Task Force:

- On July 9, 2010, after a month-long trial, a jury in the Northern District of Illinois found Norton Helton guilty of nine counts of bankruptcy fraud and three counts of wire fraud, and co-defendants Charles White and Felicia Ford guilty of wire fraud. Helton is a former attorney who once hosted a personal finance radio show and ran a foreclosure rescue company; White owned a real estate company that offered troubled homeowners a "mortgage bailout" program. Under the scheme, homeowners were persuaded to sell their property to "investors." The homeowners expected to remain in their homes while they paid down debt and repaired their credit through bankruptcy. They also expected to have the right to repurchase their homes after a year, if financially able to do so. At the time of closing, however, the defendants stripped the homeowners' equity in their homes. The U.S. Trustee's Chicago office uncovered Helton's scheme, referred him to law enforcement, and assisted with the case. A trial attorney from the U.S. Trustee's Chicago office, seven chapter 7 trustees, and a member of the Bankruptcy Clerk's staff testified at trial. Charles White was sentenced to over 22 years in prison. On January 18, 2012, Helton was sentenced to 15 years in prison. Ford was sentenced on January 27, 2012 to serve four years in prison.
- Garth Celestine pleaded guilty in the District of New Jersey on March 30, 2010, to conspiracy to commit wire fraud in connection with a mortgage fraud scheme, and was

sentenced on February 15, 2012 to 36 months in prison. Celestine admitted that he and his partner owned and operated Home Savers Consulting Corporation and that they promised to help homeowners avoid foreclosure, keep their homes, and repair their damaged credit by transferring title to their properties to straw buyers. Celestine and his partner paid straw buyers approximately \$10,000 per property to participate in the scheme. To extract the maximum available equity from the homes, Celestine and his partner submitted false mortgage loan applications in the names of the straw buyers. Celestine admitted that they fraudulently obtained more than \$1 million and caused mortgage lenders to fund dozens of fraudulent loans worth more than \$10 million. The U.S. Trustee's Newark office referred the matter based on the case of chapter 13 debtors who were victims of the scheme.

- On November 17, 2010, investment manager Philip Barry was convicted by a jury in Brooklyn for operating a long-running and large-scale Ponzi scheme. In the late 1970s, Barry began accepting money from individual investors. He told potential investors that his business, which he eventually named the Leverage Group, invested in stock options. To induce investments and discourage withdrawals, Barry guaranteed specific rates of return, issued account statements that showed growing account balances, represented that investing in the Leverage Group was safe, and promised that withdrawals could be easily made. Evidence at trial established that Barry operated a Ponzi scheme, paying returns from existing investors' deposits and from money paid by new investors. Barry never produced or earned the rates of return that he advertised, he lied to investors about Leverage Group's investments and falsely assured investors about their risk of loss. Approximately 800 individuals invested a total of more than \$40 million in the Leverage Group. Although some investors succeeded over the years in making full or partial withdrawals, particularly before the Ponzi scheme began to unravel, numerous other investors sustained substantial losses. Barry, who filed personal bankruptcy, testified during his case that he owed more than \$60 million. Rather than defend against the U.S. Trustee's Brooklyn office's objection to his discharge, Barry waived his discharge pursuant to an agreed order and stipulation entered by the Bankruptcy Court for the Eastern District of New York. In addition, the Brooklyn office referred the matter to the U. S. Attorney's office. On June 17, 2011, Barry was sentenced to 20 years in jail.

The Program also is a member of the Criminal Division Fraud Section's Mortgage Fraud Working Group, Securities Fraud Working Group, Identity Theft Working Group and the Bank Fraud Working Group.

Promote the effectiveness of the bankruptcy system by appointing and regulating private trustees who administer bankruptcy cases expeditiously and maximize the return to creditors.

Trustees are fiduciaries who administer cases filed under chapters 7, 12, and 13. They are appointed and supervised by the U.S. Trustee. It is a fundamental duty of the U.S. Trustee to regulate and monitor the activities of these private trustees, and to ensure their compliance with fiduciary standards. The USTP administers a formal system for merit selection of trustees; trains trustees and evaluates their overall performance; regularly reviews their financial operations; and intervenes to prevent loss of estate assets when instances of embezzlement, mismanagement, or other improper activity are uncovered. The USTP maintains data on trustee oversight in several database files. To measure the return of estate assets, the USTP tracks distributions to creditors.

The following table reflects disbursements and distributions of assets for chapter 7 and chapter 13 bankruptcy cases for the period FY 2005 through FY 2011.

Chapter 7 and Chapter 13 Distribution of Assets:

Calendar or Fiscal Year	Chapter 7 (Fiscal Year)		Chapter 13 (Fiscal Year)	
	Total Disbursements	Distributions	Total Disbursements	Distributions
2005	\$1,723,313,444	\$1,023,136,746	\$5,119,236,318	\$4,396,378,738
2006	\$2,838,592,296	\$1,798,936,973	\$5,306,339,777	\$4,640,258,097
2007	\$2,861,789,782	\$1,742,786,134	\$5,150,455,224	\$4,450,453,900
2008	\$3,035,254,999	\$1,817,013,320	\$4,969,797,399	\$4,183,543,013
2009	\$2,458,992,128	\$1,379,494,584	\$4,960,579,248	\$4,082,290,321
2010	\$2,272,187,248	\$1,301,143,600	\$5,518,630,123*	\$4,515,494,039*
2011	\$2,640,820,046	\$1,515,517,151	\$6,508,440,331	\$5,426,346,200
2012	Data Available in Spring 2013		Data Available in Spring 2013	

*Note: FY 2010 Chapter 13 data was adjusted from the FY 2013 President's budget request.

Ensure financial accountability, compliance with the Bankruptcy Code, and prompt disposition of Chapter 11 bankruptcy cases.

The USTP's staff must continually address emerging legal issues and challenges in chapter 11. Annually, the USTP participates in a variety of chapter 11 reorganization cases, ranging from small, single proprietorship cases to giant, multinational conglomerates. Without substituting its business judgment for that of parties with a monetary stake in a case, the USTP focuses its attention on such areas as the appointment of official committees of creditors and equity holders, the retention of professionals under § 327, professional compensation issues, and, especially in smaller cases, the adequacy of disclosure statements.

In the area of retention of professionals, the USTP focuses on the lack of disinterestedness and actual conflicts of interest which may take the form of the professional regularly representing other parties in matters unrelated to the bankruptcy case such as a large shareholder, a priority or secured creditor, or a stalking horse bidder or potential purchaser. The USTP regularly scrutinizes the accuracy and completeness of disclosures of connections that professionals must make to be retained by the debtor-in-possession or committee and will seek disqualification based on inadequate disclosures, such as it successfully did in the Universal Building Products case. To the extent that a waiver may have been obtained, the U. S. Trustee will act to make sure that the waiver allows for the professional to meet the fiduciary duty that is owed to the debtor or committee client. The USTP also focuses on compensation issues and continues to monitor professional fees in large chapter 11 cases at the time of retention. In an effort to enhance transparency in professional fees, in particular attorneys' fees in large chapter 11 cases, the USTP has proposed significant revisions to the Fee Guidelines it adopted in 1996 pursuant to a Congressional mandate. The Guidelines establish the standards that USTP offices are to follow in

reviewing fee applications. These revisions would seek information establishing that the fees charged by the bankruptcy lawyers are comparable to what non-bankruptcy lawyers would charge for work of similar complexity. Among additional guidelines are those seeking fee statements in computerized formats, seeking an increased use of and adherence to budgets, and seeking additional disclosures with respect to some potentially abusive billing practices. The USTP has sought and received comments on the proposed revisions, and is in the process of evaluating those comments. The USTP intends to complete and implement revised guidelines in phases beginning in FY 2012.

During FY 2012, the USTP filed 4,423 motions to convert or dismiss chapter 11 cases. The grounds for such motions, which are critical to the effective functioning of the reorganization provisions of the Bankruptcy Code, typically include dissipation of estate assets without a reasonable likelihood of rehabilitation, failure to file financial reports, cancellation of insurance, or non-payment of taxes.

4. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes

Performance Measure: Amount of Debt Not Discharged (Potential Additional Returns)

USTP actions have a measurable financial impact. Therefore, the Program tracks the amounts involved as the result of formal and informal actions. The majority of this amount can be characterized as debts not discharged in chapter 7. These amounts are potentially available for distribution to creditors.

Following are the amounts of debt not discharged during the period FY 2005 through FY 2012, and the targets for FY 2013 through FY 2014.

Fiscal Year	Target	Actual
FY 2005	\$ 500.0 M	\$ 593.9 M
FY 2006	\$ 500.0 M	\$ 878.7 M
FY 2007	\$ 500.0 M	\$ 866.0 M
FY 2008	\$ 500.0 M	\$ 905.0 M
FY 2009	\$ 500.0 M	\$ 1,090 B
FY 2010	\$ 700.0 M	\$ 2,415 B
FY 2011	\$ 900.0 M	\$ 2,539 B
FY 2012	\$ 925.0 M	\$ 1,982 B
FY 2013 Estimated	\$ 950.0 M	
FY 2014 Estimated	\$ 950.0 M	

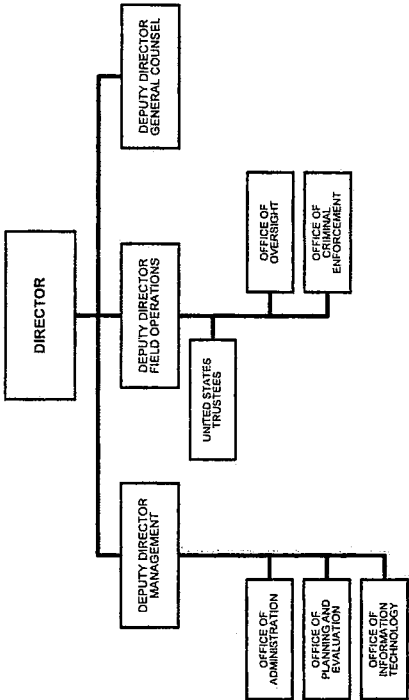
b. Strategies to Accomplish Outcomes

Discussion: Individual debtors ordinarily receive a discharge of general unsecured debt at the end of their bankruptcy cases. The amount of debt not discharged measures the amounts of scheduled unsecured debt by debtors that is not discharged as the result of action by the Program. Other items included are fee requests and claims reduced or withdrawn, fees disgorged, and sanctions and fines against professionals. Ultimately these amounts may result in potential additional returns


to creditors. Therefore, the Program has tracked the amounts involved as the result of formal and informal actions.

The majority of debt not discharged is from a small number of dishonest debtors who attempted to use the bankruptcy system to discharge large amounts of debt. This includes cases of fraud such as concealing assets and engaging in investment schemes.

EXECUTIVE OFFICE FOR UNITED STATES TRUSTEES



The Principal or ranking Deputy is determined via an informal written designation by the Attorney General or other authorized official.

Approved by:  Date: 11/26/13
ERIC H. HOLDER, JR.
Attorney General

B. Summary of Requirements

Summary of Requirements
 U.S. Trustee Program
 Salaries and Expenses
 (Dollars in Thousands)

	Direct Pos.	FY 2014 Request Estimate FTE	Amount
2012 Enacted	1,314	1,216	223,268
2013 Continuing Resolution			
2013 CR 0.612% Increase			
Total 2013 Continuing Resolution	1,314	1,202	1,366
Technical Adjustments			
Adjustment - 2013 CR 0.612%			
Total Technical Adjustments	0	0	-1,366
Base Adjustments			
Transfers:			
JCON and JCON SRS	0	0	575
Office of Information Policy (OIP) - From Components			-14
Professional Responsibility Advisory Office (PRAO)			-107
Pay and Benefits	0	0	1,920
Domestic Rent and Facilities	0	0	96
Total Base Adjustments	0	0	2,470
Total Technical and Base Adjustments	0	0	1,104
2014 Current Services	1,314	1,202	225,728
Program Changes	0	0	0
2014 Total Request	1,314	1,202	225,728
2012 - 2014 Total Change	0	-14	2,470

Note: The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

B. Summary of Requirements

Summary of Requirements
 U.S. Trustee Program
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	2012 Appropriation Enacted			2013 Continuing Resolution *			2014 Technical and Base Adjustments			2014 Current Services		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
U.S. Trustee Program	1,314	1,216	223,258	1,314	1,202	224,624	0	0	1,104	1,314	1,202	225,728
Total Direct	1,314	1,216	223,258	1,314	1,202	224,624	0	0	1,104	1,314	1,202	225,728
Balance Rescission			0			0			0			0
Total Direct with Rescission			223,258			224,624			1,104			225,728
Reimbursable FTE		0			1,202			0			1,202	
Total Direct and Reimb. FTE		1,216			1,202			0			1,202	
Other FTE:												
LEAP		0			0			0			0	
Overtime		0			0			0			0	
Grand Total, FTE		1,216			1,202			0			1,202	

Program Activity	2014 Increases			2014 Offsets			2014 Request		
	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
U.S. Trustee Program	0	0	0	0	0	0	1,314	1,202	225,728
Total Direct	0	0	0	0	0	0	1,314	1,202	225,728
Balance Rescission									
Total Direct with Rescission									
Reimbursable FTE									
Total Direct and Reimb. FTE									
Other FTE:									
LEAP		0			0			1,202	
Overtime		0			0			0	
Grand Total, FTE		0	0		0	0		1,202	225,728

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101(c)).

Resources by Department of Justice Strategic Goal/Objective

U.S. Trustee Program
Salaries and Expenses
(Dollars in Thousands)

Strategic Goal and Strategic Objective	2012 Appropriation enacted			2013 Continuing Resolution			2014 Current Services			2014 Increases			2014 Offsets			2014 Total Request		
	Direct/ Reimb FTE	Amount		Direct/ Reimb FTE	Amount		Direct/ Reimb FTE	Amount		Direct/ Reimb FTE	Amount		Direct/ Reimb FTE	Amount		Direct/ Reimb FTE	Amount	
Goal 2 Prevent Crime, Protect the Rights of the American People, and enforce Federal Law																		
2.8 Protect the federal fisc and defend the interests of the United States.	1,216	223,358		1,202	224,624		1,202	225,728	0	0	0	0	0	0	0	1,202	225,728	
Subtotal, Goal 2	1,216	223,358		1,202	224,624		1,202	225,728	0	0	0	0	0	0	0	1,202	225,728	
TOTAL	1,216	223,358		1,202	224,624		1,202	225,728	0	0	0	0	0	0	0	1,202	225,728	

Note: Excludes Balance Rescission and/or Supplemental Appropriations.

*The 2013 Continuing Resolution includes the 0.812% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

E. Justification for Technical and Base Adjustments

Justifications for Technical and Base Adjustments

U.S. Trustee Program
Salaries and Expenses
(Dollars in Thousands)

Technical Adjustments	Direct Pos.	Estimate FTE	Amount
<p>1 Adjustment - 2013 CR 0.612%: PL 112-175 section 101 (c) provided 0.612% across the board increase above the current rate for the 2013 CR funding level. This adjustment reverses this increase.</p>			0
<p>Transfers</p> <p>1 JCON and JCON S/TS: This transfer of \$575,000 is included in support of the Department's Justice Consolidated Office Network (JCON) and JCON S/TS programs which will be moved to the Working Capital Fund and provided as a billable service in FY 2014.</p>	0	0	-1,368 -1,368 0
<p>2 Office of Information Policy (OIP) from component: This component transfer for the Office of Information Policy (OIP) into the General Administration appropriation will centralize appropriated funding and eliminate the current reimbursable financing process. The centralization of the funding is administratively advantageous because it eliminates the paper-intensive reimbursement process.</p>			575
<p>3 Professional Responsibility Advisory Office (PRAO) from component: This component transfer to the Professional Responsibility Advisory Office (PRAO) into the General Administration appropriation will centralize appropriated funding and eliminate the current reimbursable financing process. The centralization of the funding is administratively advantageous because it eliminates the paper-intensive reimbursement process.</p>			-14
<p>Pay and Benefits</p> <p>1 2014 Pay Raise: This request provides for a proposed 1 percent pay raise to be effective in January of 2014. This increase only includes the general pay raise. The amount requested, \$1,154,000 represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$888,000 for salaries and \$266,000 for benefits).</p> <p>2 Annualization of the 2013 Pay Raise: This request provides for annualization of the 0.5 percent pay raise effective April 17, 2013. The amount requested, \$194,000, is for salary plus appropriate benefits (\$149,000 for pay and \$45,000 for benefits.)</p> <p>4 Employee Compensation Fund: This \$25,000 request provides for anticipated changes in payments to the Department of Labor for injury benefits under the Federal Employee Compensation Act.</p> <p>5 Health Insurance: Effective January 2014, the component's contribution to Federal employees' health insurance increases. The additional amount required is \$316,000.</p>	0	0	-107 454
Subtotal, Transfers			
			1,154
			194
			25
			316

E. Justification for Technical and Base Adjustments

Justifications for Technical and Base Adjustments

U.S. Trustee Program
Salaries and Expenses
(Dollars in Thousands)

		Direct Pos.	Estimate FTE	Amount
6 Retirement: Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 1.3 percent per year. The requested increase of \$231 is necessary to meet our increased retirement obligations as a result of this conversion.				
Domestic Rent and Facilities				
1 Rental Payments - Non-GSA: This adjustment to base increase of \$2,080,000 covers the Executive Office for U.S. Trustee's non-GSA rent in FY 2014 at the new GAO location. The Program's GSA rent for FY 2014 was adjusted downwards to account for this move in FY 2014.		0	0	231 1,920
2 Guard Services: This includes Department of Homeland Security (DHS) Federal Protective Service charges, Justice Protective Service charges and other security services across the country.				2,080
3 Moves (Lease Expirations): GSA requires all agencies to pay relocation costs associated with lease expirations. This request provides for the costs associated with new office relocations caused by the expiration of leases in FY 2014.				-371
4 General Services Administration (GSA) Rent: GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. This requested decrease of 2,837,000 is required to meet our commitment to GSA and reflects savings through consolidation of the Headquarters Executive Office from 2 offices into a single office at GAO. The costs associated with GSA rent were derived through the use of an automated system, which uses the latest inventory data, including rate increases to be effective FY 2014 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied. GSA provides data on the rate increases.				1,224
Subtotal, Domestic Rent and Facilities		0	0	-2,837 96
TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS		0	0	1,104

Crosswalk of 2012 Availability
U.S. Trustee Program
Salaries and Expenses
(Dollars in Thousands)

Program Activity	2012 Appropriation Enacted w/o Balance Rescission			Balance Rescission			Reprogramming/Transfers			Carryover Amount	Recoveries/ Refunds Amount	2012 Actual	
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount			Direct Pos.	Actual FTE
Administration of Cases	1,314	1,216	223,258	0	0	0	0	0	0	3,330	451	1,314	1,216
Total Direct	1,314	1,216	223,258	0	0	0	0	0	0	3,330	451	1,314	1,216
Reimbursable FTE													
Total Direct and Reimb. FTE		1,216			0			0					0
Other FTE:													
LEAP		0			0			0					0
Overline		0			0			0					0
Grand Total, FTE		1,216			0			0					1,216

Reprogramming/Transfers

Carryover/Recoveries: Funds were carried over into FY 2012 from No-Year account.

Crosswalk of 2013 Availability
 U.S. Trustee Program
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2013 Continuing Resolution *			Supplemental Appropriation			Reprogramming/Transfers			Carryover		Recoveries/Refunds		2013 Availability		
	Direct Pos.	Estim. FTE	Amount	Direct Pos.	Estim. FTE	Amount	Direct Pos.	Estim. FTE	Amount	Amount		Amount		Direct Pos.	Estim. FTE	Amount
Administration of Cases	1,314	1,202	224,624	0	0	0	0	0	0	549		50		1,314	1,202	225,223
Total Direct	1,314	1,202	224,624	0	0	0	0	0	0	549		50		1,314	1,202	225,223
Balance Recission			0													0
Total Direct with Recission			224,624													225,223
Reimbursable FTE		0								0					0	
Total Direct and Reimb. FTE		1,202								549					1,202	
Other FTE:																
LEAP		0								0					0	
Overtime		0								0					0	
Grand Total, FTE		1,202								549					1,202	

Reprogramming/Transfers

Carryover: Funds were carried over into FY 2013 from No-Year account.

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

H. Summary of Reimbursable Resources

Summary of Reimbursable Resources
U.S. Trustee Program
Salaries and Expenses
(Dollars in Thousands)

Collections by Source	2012 Actual			2013 Planned			2014 Request			Increase/Decrease	
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE
Office of Attorney Recruitment	0	0	6	0	0	17	0	0	17	0	0
Rule of Law	0	0	90	0	0	0	0	0	0	0	0
Budgetary Resources	0	0	96	0	0	17	0	0	17	0	0

Obligations by Program Activity	2012 Actual			2013 Planned			2014 Request			Increase/Decrease	
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE
Administration of Cases	0	0	96	0	0	17	0	0	17	0	0
Budgetary Resources	0	0	96	0	0	17	0	0	17	0	0

I. Detail of Permanent Positions by Category

Detail of Permanent Positions by Category

U.S. Trustee Program
Salaries and Expenses
(Dollars in Thousands)

Category	2012 Appropriation Enacted		2013 Continuing Resolution		2014 Request				
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.	ATBs	Program Increases	Program Offsets	Total Direct Pos	Total Reimb Pos
U.S. Trustees / Assistant U.S. Trustees	118	0	118	0	0	0	0	118	0
Personnel Management (200-299)	10	0	10	0	0	0	0	10	0
Clerical and Office Services (300-399)	95	0	95	0	0	0	0	95	0
Bankruptcy Analyst (301)	245	0	245	0	0	0	0	245	0
Accounting and Budget (500-599)	19	0	19	0	0	0	0	19	0
Attorneys (905)	318	0	318	0	0	0	0	318	0
Paralegals / Other Law (900-998)	290	0	290	0	0	0	0	290	0
Other Legal and Kindred (985)	170	0	170	0	0	0	0	170	0
Contracting and Procurement (1102-1106)	4	0	4	0	0	0	0	4	0
Information Technology Mgmt (2210)	37	0	37	0	0	0	0	37	0
Security Specialists (680)	2	0	2	0	0	0	0	2	0
Other (1160, 10350)	2	0	2	0	0	0	0	2	0
Mathematics & Statistics	4	0	4	0	0	0	0	4	0
Total	1,314	0	1,314	0	0	0	0	1,314	0
Headquarters (Washington, D.C.)	125	0	125	0	0	0	0	125	0
U.S. Field	1,189	0	1,189	0	0	0	0	1,189	0
Foreign Field	0	0	0	0	0	0	0	0	0
Total	1,314	0	1,314	0	0	0	0	1,314	0

K. Summary of Requirements by Grade

Summary of Requirements by Grade

U.S. Trustee Program
Salaries and Expenses
(Dollars in Thousands)

Grades and Salary Ranges		2012 Enacted		2013 Continuing Resolution		2014 Request		Increase/Decrease	
		Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount
EX	\$ 145,700 - 199,700	4	531	4	533	4	539	0	5
AD ¹	\$ 113,700 - 153,000	118	15,729	118	15,808	118	15,965	0	157
GS-15	\$ 123,758 - 155,500	278	38,809	278	39,003	278	39,391	0	388
GS-14	\$ 105,211 - 136,771	253	30,613	253	30,766	253	31,072	0	306
GS-13	\$ 89,033 - 115,742	77	7,985	77	7,924	77	8,003	0	79
GS-12	\$ 74,872 - 97,333	52	4,477	52	4,500	52	4,544	0	45
GS-11	\$ 62,467 - 81,204	243	17,447	243	17,535	243	17,709	0	174
GS-9	\$ 51,630 - 67,114	60	3,558	60	3,576	60	3,611	0	36
GS-8	\$ 46,745 - 60,765	19	1,022	19	1,027	19	1,038	0	10
GS-7	\$ 42,209 - 54,875	196	9,506	196	9,554	196	9,649	0	95
GS-6	\$ 37,983 - 49,375	12	524	12	527	12	532	0	5
GS-4	\$ 30,456 - 39,590	1	35	1	35	1	36	0	0
GS-3	\$ 27,130 - 35,269	1	31	1	31	1	32	0	0
Total, Appropriated Positions		1,314	130,168	1,314	130,819	1,314	132,121	0	1,302
Average SES Salary			169,533		170,380		173,276		
Average GS Salary			100,904		101,156		102,169		
Average GS Grade			13		13		13		

^{1/} Administratively Determined Pay

L. Summary Requirements by Object Class

Summary of Requirements by Object Class
 U.S. Trustee Program
 Salaries and Expenses
 (Dollars in Thousands)

Object Class	2012 Actual		2013 Availability		2014 Request		Increase/Decrease	
	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 Full-Time Permanent	1,216	121,715	1,202	121,914	1,202	123,901	0	1,987
11.3 Other than Full-Time Permanent	0	1,823	0	1,823	0	1,823	0	0
11.5 Other Personnel Compensation	0	1,065	0	1,250	0	1,250	0	0
Overtime	0	0	0	0	0	0	0	0
Other Compensation	0	0	0	0	0	0	0	0
11.8 Special Personal Services Payments	0	0	0	0	0	0	0	0
Total	1,216	124,603	1,202	124,987	1,202	126,974	0	1,987
Other Object Classes								
12.0 Personnel Benefits	37,238	38,673	0	0	0	38,781	0	108
13.0 Benefits for former personnel	0	0	0	0	0	0	0	0
21.0 Travel and Transportation of Persons	1,753	2,400	0	0	0	2,450	0	50
22.0 Transportation of Things	577	650	0	0	0	650	0	0
23.1 Rental Payments to GSA	27,008	27,450	0	0	0	26,450	0	-1,000
23.2 Rental Payments to Others	256	256	0	0	0	330	0	74
23.3 Communications, Utilities, and Miscellaneous Charges	3,925	3,925	0	0	0	3,925	0	0
24.0 Printing and Reproduction	0	0	0	0	0	0	0	0
25.1 Advisory and Assistance Services	2,640	2,640	0	0	0	2,640	0	0
25.2 Other Services from Non-Federal Sources	2,624	3,624	0	0	0	3,049	0	-575
25.3 Other Goods and Services from Federal Sources	15,429	16,533	0	0	0	15,529	0	-1,004
25.4 Operation and Maintenance of Facilities	0	0	0	0	0	0	0	0
25.5 Research and Development Contracts	0	0	0	0	0	0	0	0
25.6 Medical Care	0	0	0	0	0	0	0	0
25.7 Operation and Maintenance of Equipment	535	535	0	0	0	550	0	15
25.8 Subsistence and Support of Persons	0	0	0	0	0	0	0	0
26.0 Supplies and Materials	1,064	1,100	0	0	0	1,100	0	0
31.0 Equipment	4,393	2,400	0	0	0	2,300	0	-100
32.0 Land and Structures	4,145	0	0	0	0	1,000	0	1,000
Total Obligations	228,190	225,173	0	0	0	225,728	0	555
Subtract - Unobligated Balance, Start-of-Year	-3,330	-549	0	0	0	0	0	549
Subtract - Transfers/Reprogramming	0	0	0	0	0	0	0	0
Subtract - Recoveries/Refunds	-151	0	0	0	0	0	0	0
Add - Unobligated End-of-Year, Available	549	0	0	0	0	0	0	0
Add - Unobligated End-of-Year, Expiring	0	0	0	0	0	0	0	0
Total Direct Requirements	0	223,258	0	224,624	0	225,728	0	1,104
Reimbursable FTE								
Full-Time Permanent	0	0	0	0	0	0	0	0
23.1 Rental Payments to GSA (Reimbursable)	0	0	0	0	0	0	0	0
23.3 Other Goods and Services from Federal Sources - DHS Security (Reimbursable)	0	0	0	0	0	0	0	0

*The 2013 Availability includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c))

Exhibit L - Summary of Requirements by Object Class

Congressional Submission

FOREIGN CLAIMS SETTLEMENT COMMISSION

U.S. Department of Justice

FY 2014 PERFORMANCE BUDGET

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I. Overview of the Foreign Claims Settlement Commission

1. Introduction

The Foreign Claims Settlement Commission (FCSC) is a small, independent, quasi-judicial agency organized for administrative purposes within the Department of Justice that has a high profile and important mission in FY 2014: distribute to U.S. victims of international terrorism monies paid to the United States by foreign governments. Currently, the FCSC is in the latter stages of a historically large program to award compensation to U.S. victims of Libyan terrorism in which the Congress has taken an unprecedented interest. Additionally, the Commission is preparing to conduct another claims program to distribute compensation to U.S. victims of Iraqi actions during the Saddam Hussein era (Iraq has already paid to the United States approximately \$400 million to satisfy these claims). Depending on the movement of events internationally, other, similar programs can be anticipated. The work of adjudicating claims and awarding compensation is necessarily labor-intensive, requiring legal and factual research on the part of Commission staff, and adjudicatory work by the members of the Commission. The vast majority of its budget is necessary for personnel costs (notwithstanding the fact that the FCSC's budget request does not include a request for additional positions); the bulk of the remainder is for fixed costs including rent and guard service. Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using this Internet address:
<http://www.justice.gov/02organizations/bpp.htm>

The operating expenses of the Commission ultimately are borne only partially, if at all, by the taxpayer. In virtually all instances, the legislation authorizing the adjudication of claims has provided for deduction of 5% of the funds obtained from foreign governments for payment of the Commission's awards. This amount is deposited to the credit of miscellaneous receipts in the United States Treasury to defray administrative expenses. The Commission understands that approximately \$20 million has been so deposited into the Treasury from the funds obtained under the Libya Claims Program alone.

The Commission is prepared to provide any further information about the background of the Commission, its existing programs, Congressional interest in these programs, and the basis to support this budget request.

To date, the Commission has administered and completed 45 international and war-related claims programs involving claims against 18 countries: Yugoslavia, Panama, Bulgaria, Hungary, Romania, Italy, the former Soviet Union, the former Czechoslovakia, Poland, Cuba, China, the former German Democratic Republic, Vietnam, Ethiopia, Egypt, Iran, Albania, and the Federal Republic of Germany.

The Commission consists of a Chairman and two part-time Commissioners, who are appointed by the President and confirmed by the Senate, as well as legal and non-legal secretariat staff. The Chairman and the part-time Commissioners receive compensation at the Executive Level V rate of pay for performance of official business of the Commission.

2. Issues, Outcomes, and Strategies

In FY 2014, the Commission plans to conclude its administration of the Libya Claims Program. This program resulted from the President's Executive Order 13477 dated October 31, 2008, implementing the U.S.-Libya Claims Settlement Agreement of August 14, 2008, as well as the Libyan Claims Resolution Act (LCRA), passed by Congress and signed into law on August 4, 2008. Pursuant to this Agreement and the LCRA, the government of Libya paid \$1.5 billion to the United States in order to provide immediate and fair compensation to U.S. nationals with terrorism-related claims against Libya. This program was referred to the Commission by the Department of State Legal Adviser's referral letters of December 11, 2008 and January 15, 2009 pursuant to 22 U.S.C. § 1623 (a)(1)(C). As of the date of the preparation of this document, the Commission anticipates that the State Department may refer another category of claims to the Commission under this program.

On June 21, 2011, the Department of State issued a press release announcing a settlement with the Government of Iraq in the amount of \$400 million to provide compensation for American nationals who were prisoners of war, hostages, or human shields during the first Gulf War, and for U.S. servicemen who were injured in the 1987 attack on the USS Stark. On November 14, 2012, pursuant to its authority under 22 U.S.C. § 1623 (a)(1)(C), the Department of State referred a category of claims within the scope of the Iraq Claims Settlement Agreement to the Commission for adjudication and certification. Further, the Commission anticipates the receipt of an additional referral from the Department of State under the Iraq Claims Settlement Agreement for adjudication by the Commission during FY 2014.

The Commission will also continue to have authority under the International Claims Settlement Act of 1949, as amended, and the 1995 United States-Albanian claims settlement agreement, to make awards in any additional claims against Albania that are filed. In addition, when appropriate, the Commission will continue to reopen and reconsider claims it had previously denied, taking into account the modification of the Albanian claims settlement agreement effected in 2006.

Additionally, the Commission will research and respond to requests for information concerning properties expropriated by the Castro regime in Cuba, in support of the Department of State's continuing implementation of Title IV of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (the "Helms-Burton Act"). The Commission continues to maintain and update a computerized database of some 13,000 records containing specific information on all of the claims adjudicated in its Cuban Claims Program. This database enables the Commission to respond more quickly and accurately to requests for information from the State Department and the general public.

Under the War Claims Act of 1948, as amended, the Commission will continue to have authority to award compensation to any previously uncompensated American servicemen held as prisoners of war in Southeast Asia during the Vietnam conflict, or their survivors, for inadequate rations and inhumane treatment while in captivity.

In addition, the Commission will continue to furnish information contained in its records pertaining to the 45 completed international and war related claims programs it has conducted, as requested by claimants, their heirs, attorneys, researchers, and other members of the public. It

will also provide to other U.S. agencies technical advice on their policy determinations, participate in preliminary planning and evaluation of pending claims legislation, and coordinate with Congressional committees considering legislation for adjudication of additional types of claims.

3. Challenges

External Challenges

The Commission's external challenges include the necessity of being continuously prepared for a workload dictated almost exclusively by changing international events, current and future claims programs enacted by Congress or referred to the Commission by the Department of State, and by the number of claims filed. This may require expansion of its staffing to meet the requirements of new programs. Its external challenges also include the need to notify and assist U.S. nationals in a timely fashion in filing and documenting their claims, to familiarize them with the claims process, and to respond efficiently to all inquiries by the public, Congress, and other federal agencies about current and past programs.

Internal Challenges

The internal challenges the Commission faces include maintaining and focusing the skills, expertise, and experience of its staff to assist U.S. nationals with claims against foreign governments as well as to provide technical assistance in this area to the Department of State and other federal agencies upon request, while at the same time continuing its claims records modernization effort by improving and updating the information in its databases and on its website. The Commission intends also to concentrate efforts on increasing its transparency, by increasing the availability of its decisions and records to the public, particularly through electronic media.

4. Performance Challenges

The Commission is an independent agency. Its budget is fully integrated with its own priorities and corresponds to the Department's Strategic Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law.

III. Appropriations Language and Analysis of Appropriations Language

Appropriations Language

The 2014 budget estimates include proposed changes in the appropriation language listed below. New language is italicized and underlined, and language proposed for deletion is bracketed.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, [\$2,012,000] \$2,218,000.

Analysis of Appropriations Language

No substantive changes are proposed.

IV. Program Activity Justification

A. Foreign Claims

<i>Foreign Claims</i>	Direct Pos.	Estimate FTE	Amount
2012 Enacted	11	9	\$2,000
2013 Continuing Resolution with 0.612% Increase	11	9	\$2,012
Base and Technical Adjustments	0	0	\$206
2014 Current Services	11	9	\$2,218
2014 Request	11	9	\$2,218
Total Change 2012-2014	0	0	\$218

1. Program Description

The Commission has a single Decision Unit, and its mission is to protect the property rights of U.S. citizens abroad and to promote the international rule of law through adjudication of claims brought by United States citizens against foreign governments.

The Commission currently pursues the following organizational goals:

- To adjudicate claims and award compensation for terrorism-related claims against Iraq pursuant to the U.S.-Iraq Claims Settlement Agreement.
- To adjudicate any newly-referred claims and award compensation for terrorism-related claims against Libya pursuant to the U.S.-Libya Claims Settlement Agreement and the Libyan Claims Resolution Act.
- To adjudicate claims and award compensation to previously uncompensated U.S. claimants for property losses in Albania.
- To research and respond to requests for information concerning decisions in the Commission's first and second Cuban Claims Programs in aid of the Department of State's continuing implementation of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (the "Helms-Burton Act").
- To be prepared to adjudicate upon enactment of authorizing legislation, or referral to the Commission by the Secretary of State a future program relating to Guam.
- Upon request, to assist the Department of State in negotiations for the settlement of claims against foreign governments.
- To award compensation to any previously uncompensated American POWs held in Southeast Asia during the Vietnam conflict, or their survivors, for inadequate rations and inhumane treatment while in captivity.
- To advise Congress and other agencies concerning potential future claims programs and to analyze and comment on pending legislation.
- To advise other agencies on policy determinations relating to the settlement of international claims.
- To assist the Department of the Treasury in making distributions on awards certified by the Commission.

- To provide executive departments and private attorneys with legal precedents issued by the Commission.
- To provide general information concerning past programs and to respond to requests about specific decisions the Commission has made on claims.
- To respond to FOIA requests from the public regarding claims programs.
- To maintain and continuously update a comprehensive database of pending and active claims programs to ensure it is accurate and useful to the public and other U.S. agencies.
- To maintain a Commission website that explains claims programs, with downloadable claims program instructions and claim forms as well as statistical and other information on past programs.

2. Performance and Resource Tables

PERFORMANCE AND RESOURCES TABLE									
Decision Unit: Foreign Claims									
RESOURCES									
	Target		Actual		Projected		Changes		Requested (Total)
	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FY 2014 Request
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)	11	\$2,000	FY 2012		FY 2013 CR		Current Services Adjustments and FY 2014 Program Changes		FY 2014 Request
			FTE	\$000	FTE	\$000	FTE	\$000	
					9	\$2,012		\$206	9 \$2,218
TYPE/ STRATEGIC OBJECTIVE	FY 2012		FY 2012		FY 2013 CR		Current Services Adjustments and FY 2014 Program Changes		FY 2014 Request
	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	
Program Activity									
Adjudication of Claims	11	\$2,000	9	\$1,921	9	\$2,012		\$206	9 \$2,218
Performance Measure: Output									
Performance Measure: Efficiency									
Performance Measure: Outcome									

Data Definition, Validation, Verification, and Limitations: Use this section to discuss data terms, data sources, how the information is collected, how the information is verified, and data limitations to include how well the indicator measures performance in this area.

PERFORMANCE MEASURE TABLE

Decision Unit: Foreign Claims

Performance Report and Performance Plan Targets	FY 2007		FY 2008		FY 2009		FY 2010		FY 2011		FY 2012		FY 2013		FY 2014	
	Actual		Actual		Actual		Actual		Actual		Target	Actual	Target		Target	
Performance Measure	N/A		N/A		N/A		N/A		N/A		N/A	N/A	N/A		N/A	
Performance Measure	N/A		N/A		N/A		N/A		N/A		N/A	N/A	N/A		N/A	
Performance Measure	N/A		N/A		N/A		N/A		N/A		N/A	N/A	N/A		N/A	
Efficiency Measure	N/A		N/A		N/A		N/A		N/A		N/A	N/A	N/A		N/A	
OUTCOME Measure	N/A		N/A		N/A		N/A		N/A		N/A	N/A	N/A		N/A	

N/A = Data unavailable

* Denotes Inclusion in the DOJ Annual Performance Plan

3. Performance, Resources, and Strategies

The Commission is an independent agency. Its budget is fully integrated with its own priorities and corresponds best to the Department's Strategic Goal 2: Protect the Rights of the American People, and Enforce Federal Law.

a. Performance Plan and Report for Outcomes

The Commission's activities are not included in the Department of Justice's performance plans or reports. However, in addition to its principal function of adjudicating claims of United States nationals against foreign governments, the Commission provides continuing informational services to claimants (and, where applicable, their legal successors) with regard to the 45 completed international and war claims programs it has concluded. It also provides advice to other Federal agencies on their policy determinations, preliminary planning, and evaluation of proposed legislation intended to authorize adjudication of claims of new categories of claimants, and liaison with congressional committees considering such legislation.

b. Strategies to Accomplish Outcomes

In FY 2014, the Commission plans to conclude its administration of the Libya Claims Program which resulted from the President's Executive Order 13477 which implements the U.S.-Libya Claims Settlement Agreement and the Libyan Claims Resolution Act (LCRA).

Additionally in FY 2014, the Commission anticipates that it will continue to adjudicate categories of claims referred to it by the Department of State within the scope of the Claims Settlement Agreement Between the Government of the United States of America and the Government of the Republic of Iraq, signed on September 2, 2010, including claims for compensation for American nationals who were prisoners of war, hostages, or human shields during the first Gulf War, and for U.S. servicemen who were injured in the 1987 attack on the USS Stark.

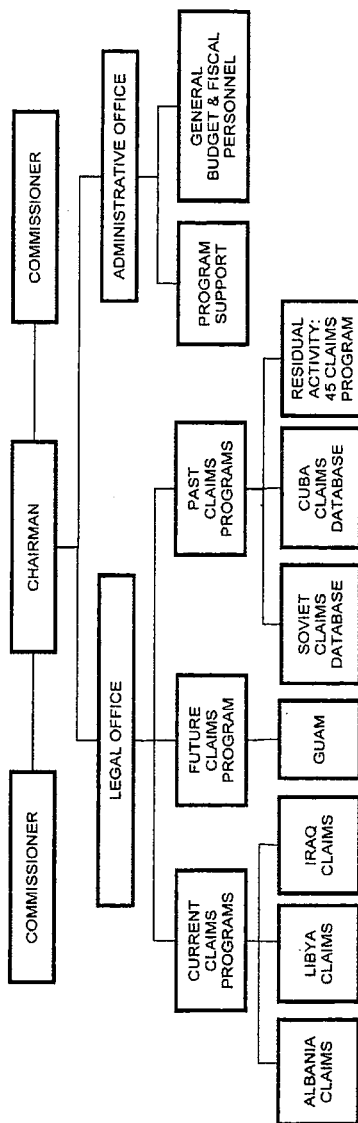
Under the International Claims Settlement Act of 1949, as amended, and the 1995 U.S.-Albanian Claims settlement agreement and the 2006 modification of that agreement, the Commission will continue to have authority to make awards in any additional claims against Albania that may be filed.

The Commission will also research and respond to requests for information concerning properties expropriated by the Castro regime in Cuba, in support of the Department of State's Continuing implementation of Title IV of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (the "Helms-Burton Act"). In addition, the Commission will continue to engage in preliminary planning for a possible future program relating to Guam. The Commission will also provide, upon request, technical assistance to the Department of State in conducting government-to-government claims settlement negotiations.

Under the War Claims Act of 1948, as amended, the Commission will continue to have authority to award compensation to any previously uncompensated American servicemen held as prisoners of war in Southeast Asia during the Vietnam conflict, or their survivors, for inadequate rations and inhumane treatment while in captivity.

A. Organizational Chart

FOREIGN CLAIMS SETTLEMENT COMMISSION



Date: March 1, 2013

Approved by: *Brian M. Simkin*
 Brian M. Simkin, CHIEF COUNSEL

B. Summary of Requirements

Summary of Requirements
Foreign Claims Settlement Commission
Salaries and Expenses
(Dollars in Thousands)

	FY 2014 Request	
	Direct Pos.	Estimate FTE
2012 Enacted	11	9
2013 Continuing Resolution		
2013 CR 0.612% Increase		
Total 2013 Continuing Resolution		
Technical Adjustments	11	9
Adjustment - 2013 CR 0.612%		
Total Technical Adjustments	0	0
Base Adjustments		
Pay and Benefits		
Domestic Rent and Facilities	0	0
Other Adjustments	0	0
Total Base Adjustments	0	0
Total Technical and Base Adjustments	0	0
2014 Current Services	11	9
2014 Total Request	11	9
2012 - 2014 Total Change	0	0
		2,000
		12
		2,012
		-12
		-12
		30
		20
		100
		218
		2,218
		2,218
		2,218

Note: The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

Summary of Requirements
Foreign Claims Settlement Commission
Salaries and Expenses
(Dollars in Thousands)

Program Activity	2012 Appropriation Enacted			2013 Continuing Resolution *			2014 Technical and Base Adjustments			2014 Current Services		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Adjudication of Claims	11	9	2,000	11	9	2,012		0	0	11	9	2,218
Reimbursable FTE	11	9	2,000	11	9	2,012		0	0	11	9	2,218
Total Direct												
Reimbursable FTE		0			0			0	0		0	
Total Direct and Reimb. FTE		9			9			0	0		9	
Other FTE:												
LEAP		0			0			0	0		0	
Overtime		0			0			0	0		0	
Grand Total, FTE		9			9			0	0		9	

Program Activity	2014 Increases			2014 Offsets			2014 Request		
	Direct	Est. FTE	Amount	Direct	Est. FTE	Amount	Direct	Est. FTE	Amount
Adjudication of Claims	0	0	0	0	0	0	11	9	2,218
Total Direct	0	0	0	0	0	0	11	9	2,218
Reimbursable FTE		0			0			0	
Total Direct and Reimb. FTE		0			0			0	
Other FTE									
LEAP		0			0			0	
Overtime		0			0			0	
Grand Total, FTE		0			0			9	

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101(c)).

D. Resources by DOJ Strategic Goal and Strategic Objective

Resources by Department of Justice Strategic Goal/Objective
Foreign Claims Settlement Commission
Salaries and Expenses
(Dollars in Thousands)

Strategic Goal and Strategic Objective	2012 Appropriation Enacted			2013 Continuing Resolution *			2014 Current Services			2014 Increases			2014 Offsets			2014 Total Request		
	Direct/ Reimb FTE	Amount		Direct/ Reimb FTE	Amount		Direct/ Reimb FTE	Amount		Direct/ Reimb FTE	Amount		Direct/ Reimb FTE	Amount		Direct/ Reimb FTE	Amount	
Goal 2 Prevent Crime, Protect the Rights of the American People, and enforce Federal Law																		
2.6 Protect the federal fisc and defend the interests of the United States	11	2,000		11	2,012		11	2,018		0	0		0	0		0	0	
Subtotal, Goal 2	11	2,000		11	2,012		11	2,018		0	0		0	0		0	0	
TOTAL	11	2,000		11	2,012		11	2,018		0	0		0	0		0	0	

NOTE: Excludes Balance Rescission and/or Supplemental Appropriations.

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2010 (P.L. 112-175, Section 101 (c)).

E. Justification for Technical and Base Adjustments

Justifications for Technical and Base Adjustments

Foreign Claims Settlement Commission

Salaries and Expenses

Dollars in Thousands

	Direct Pos.	Estimate FTE	Amount
Technical Adjustments			
1 Technical Salary Cost of Living (COL) Increase PL 110-75 section 101 (c) provided 0.612% across the board increase above the current rate for the 2013 COL funding level. This adjustment reverses this increase.	0	0	12
Pay and Benefits	0	0	-12
1 2014 Pay Rels. This request provides for a proposed 1 percent pay raise to be effective in January of 2014. The increase only includes the general pay raise. The amount requested, \$11,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$8,000 for pay and \$3,000 for benefits).			
2 Reauthorization of 2013 Pay Rels. This request provides for a proposed 1 percent pay raise to be effective in January of 2014. The increase only includes the general pay raise. The amount requested, \$11,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$8,000 for pay and \$3,000 for benefits).			11
3 Base Pay Adjustment The amount requested, \$2,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$1,000 for pay and \$1,000 for benefits).			2
4 Health Insurance The amount requested, \$6,000, represents adjustments for pay not funded in prior years.			6
5 Retirement Effective January 2014, the component's contribution to Federal employees' health insurance increases by 2.5 percent. The additional amount required is \$4,000.			4
Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DCU workforce will convert from CSRS to FERS at a rate of 1.3 percent per year. The requested increase of \$5,000 is necessary to meet our increased retirement obligations as a result of this conversion.			
Domestic Rent and Facilities	0	0	30
1 Guard Services The includes Department of Homeland Security (DHS) Federal Protective Service charges, Justice Protective Service charges and other security services across the country. The requested increase of \$2,000 is required to meet these commitments.			2
2 Move (Lease Expatriation) GSA requires all agencies to pay relocation costs associated with lease expatriation. This request provides for the costs associated with new office relocation caused by the expiration of leases in FY 2014.			26
Other Adjustments	0	0	28
1 WCF Base Adjustment The Department's Working Capital Fund (WCF) provides Department components with centralized administrative and infrastructure support services. The WCF is a cost effective mechanism that eliminates duplication of effort and promotes economies of scale through consolidation and centralization. Infomoney adjustments are required to account for pay adjustments, contractual changes, and information technology maintenance and technology upgrades. Funding of \$1,000 is required for the account.			1
2 Base Adjustment This request \$13,000 that was removed in the FY 2012 Appropriation.			113
3 Other Adjustments to Base The amount requested, \$46,000, consists of 22 different expenses.			46
Subtotal Other Adjustments	0	0	160
TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS	0	0	208

Crosswalk of 2012 Availability
Foreign Claims Settlement Commission
(Dollars in Thousands)

Program Activity	2012 Appropriation Enacted via Balance Recision			Balance Recision			Reprogramming/Transfers			Carryover Amount	Recoveries/ Refunds Amount	2012 Actual		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount			Direct Pos.	Actual FTE	Amount
Application of Claims	11	9	2,000	0	0	0	0	0	0	0	0	11	9	1,997
Total Direct	11	9	2,000	0	0	0	0	0	0	0	0	11	9	1,997
Reimbursable FTE		0			0			0					0	
Total Direct and Reimb. FTE		9			0			0					9	
Other FTE: LEAP		0			0			0					0	
Overtime		0			0			0					0	
Grand Total FTE		9			0			0					9	

Crosswalk of 2013 Availability
Foreign Claims Settlement Commission
Salaries and Expenses
(Dollars in Thousands)

Program Activity	FY 2013 Continuing Resolution			Supplemental Appropriation		Reprogramming/Transfers			Carryover		Recoveries/Refunds		2013 Availability		
	Direct Pos.	Estim. FTE	Amount	Amount	Amount	Direct Pos.	Estim. FTE	Amount	Amount	Amount	Amount	Direct Pos.	Estim. FTE	Amount	Amount
Adjudication of Claims	11	9	2,012	0	0	0	0	0	0	0	0	11	9	2,012	
Reimbursable FTE															
Total Direct in Reimb. FTE	11	9	2,012									11	9	2,012	
Other FTE:															
LEAP		0					0						0		
Overtime		0					0						0		
Grand Total, FTE		9					0						9		

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013, (P.L. 112-75, Section 101 c).

I. Detail of Permanent Positions by Category

Detail of Permanent Positions by Category
 Foreign Claims Settlement Commission
 Salaries and Expenses
 (Dollars in Thousands)

Category	2012 Appropriation Enacted		2013 Continuing Resolution		2014 Request			
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.	Program Increases	Program Offsets	Total Direct Pos.	Total Reimb. Pos.
Clerical and Office Services (500-399)	5	0	5	0	0	0	5	0
Accounting and Budget (500-599)	1	0	1	0	0	0	1	0
Attorneys (905)	4	0	4	0	0	0	4	0
Paralegals / Other Law (500-999)	0	0	0	0	0	0	0	0
Total	11	0	11	0	0	0	11	0
Headquarters (Washington, D.C.)	10	0	11	0	0	0	11	0
U.S. Field	0	0	0	0	0	0	0	0
Foreign Field	0	0	0	0	0	0	0	0
Total	11	0	11	0	0	0	11	0

K. Summary of Requirements by Grade

Summary of Requirements by Grade
 Foreign Claims Settlement Commission
 Salaries and Expenses
 (Dollars in Thousands)

Grades and Salary Ranges		2012 Enacted		2013 Continuing Resolution		2014 Request		Increase/Decrease	
		Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount
EX	\$ 145,700 - 199,700	2	0	2	0	2	0	0	0
GS-15	\$ 123,758 - 155,500	3	0	3	0	3	0	0	0
GS-14	\$ 105,211 - 136,771	3	0	3	0	3	0	0	0
GS-13	\$ 89,033 - 115,742	2	0	2	0	2	0	0	0
GS-12	\$ 74,872 - 97,333	0	0	0	0	0	0	0	0
GS-11	\$ 62,467 - 81,204	0	0	0	0	0	0	0	0
GS-10	\$ 56,857 - 73,917	0	0	0	0	0	0	0	0
GS-9	\$ 51,630 - 67,114	1	0	1	0	1	0	0	0
GS-8	\$ 46,745 - 60,765	0	0	0	0	0	0	0	0
GS-7	\$ 42,209 - 54,875	0	0	0	0	0	0	0	0
GS-6	\$ 37,983 - 49,375	0	0	0	0	0	0	0	0
GS-5	\$ 37,075 - 44,293	0	0	0	0	0	0	0	0
GS-4	\$ 30,456 - 39,590	0	0	0	0	0	0	0	0
GS-3	\$ 27,130 - 35,269	0	0	0	0	0	0	0	0
GS-2	\$ 24,865 - 31,292	0	0	0	0	0	0	0	0
GS-1	\$ 22,115 - 27,663	0	0	0	0	0	0	0	0
Total, Appropriated Positions		11	0	11	0	11	0	0	0
Average GS Salary			95,476		101,844		102,765		
Average GS Grade			13		13		13		

L. Summary of Requirements by Object Class

Summary of Requirements by Object Class
Foreign Claims Settlement Commission
Salaries and Expenses
(Dollars in Thousands)

Object Class	2012 Actual		2013 Availability *		2014 Request		Increase/Decrease	
	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 Full-Time Permanent	8	1,036	8	1,116	8	1,244	0	128
11.3 Other than Full-Time Permanent	1	27	1	30	1	30	0	0
11.5 Other Personnel Compensation	0	0	0	0	0	0	0	0
Overtime	0	0	0	0	0	0	0	0
Other Compensation	0	0	0	0	0	0	0	0
11.8 Special Personal Services Payments	0	0	0	0	0	0	0	0
Total	9	1,063	9	1,146	9	1,274	0	128
Other Object Classes								
12.0 Personnel Benefits	0	287	0	306	0	341	0	15
13.0 Benefits for former personnel	0	0	0	0	0	0	0	0
21.0 Travel and Transportation of Persons	0	23	0	19	0	19	0	0
22.0 Transportation of Things	0	30	0	12	0	12	0	0
23.1 Rental Payments to GSA	0	302	0	365	0	365	0	0
23.2 Rental Payments to Others	0	0	0	0	0	0	0	0
23.3 Communications, Utilities, and Miscellaneous Charges	0	24	0	37	0	37	0	0
24.0 Printing and Reproduction	0	6	0	5	0	5	0	0
25.2 Other Services	0	173	0	85	0	140	0	75
26.0 Supplies and Materials	0	23	0	12	0	12	0	0
31.0 Equipment	0	0	0	6	0	6	0	0
Total Obligations	0	1,921	0	2,012	0	2,230	0	218
Unobligated End-of-Year, Available								
Technical Adjustments	0	79	0	0	0	0	0	0
1. Adjustment - 2013 CR 0.612%								
Total Direct Requirements	9	2,000		2,012		-12		-12
						2,218		206

*The 2013 Availability includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175; Section 101 (c)).

**United States Marshals Service
FY 2014 Performance Budget
President's Budget**

Salaries & Expenses and Construction Appropriations



April 2013

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I. Overview for the United States Marshals Service

A. Introduction

The United States Marshals Service (USMS) ensures the functioning of the federal judicial process by protecting members of the judicial family (judges, attorneys, witnesses, and jurors), providing physical security in courthouses, safeguarding witnesses, transporting and producing prisoners for court proceedings, executing court orders and arrest warrants, apprehending fugitives, and managing seized forfeited property. All USMS duties and responsibilities emanate from this core mission.

Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.usdoj.gov/02organizations/bpp.htm>.

For FY 2014, the USMS requests a total of 5,544 positions, 5,090 FTE (excluding reimbursable FTE), \$1.204 billion for the Salaries and Expenses (S&E) appropriation, and \$10 million for the Construction appropriation. The request also includes a \$12.2 million cancellation of prior year S&E balances.

B. Organizational History

The Judiciary Act of 1789 established the original 13 federal judicial districts and called for the appointment of a Marshal for each district. President Washington nominated the first Marshals and they were confirmed by the Senate on September 26, 1789.

The Attorney General began supervising the Marshals in 1861. The Department of Justice (DOJ) was created in 1870 and the Marshals have been under DOJ's purview since that time. The first organization to supervise Marshals nationwide, the Executive Office for United States Marshals, was established in 1956 by the Deputy Attorney General. DOJ Order 415-69 established the United States Marshals Service on May 12, 1969. On November 18, 1988, the USMS was officially established as a bureau within the Department under the authority and direction of the Attorney General with its Director appointed by the President. Prior to 1988, the Director of the USMS was appointed by the Attorney General.

The role of the U.S. Marshals has had a profound impact on the history of this country since the time when America was expanding across the continent into the western territories. With changes in prosecutorial emphasis over time, the mission of the USMS has transitioned as well. In more recent history, law enforcement emphasis has shifted with changing social mandates. Examples include:

- In the 1960s, DUSMs provided security and escorted Ruby Bridges and James Meredith to school following federal court orders requiring segregated Southern schools and colleges to integrate.

- In 1973, the Drug Enforcement Administration (DEA) was created resulting in a greater focus on drug-related arrests. The USMS immediately faced rapidly increasing numbers of drug-related detainees, protected witnesses, and fugitives.
- The Presidential Threat Protection Act of 2000 (P.L. 106-544) directed the USMS to provide assistance to state and local law enforcement agencies in the location and apprehension of their most violent fugitives. As a result, the USMS has increased the size and effectiveness of its regional and district-based fugitive apprehension task forces, thus providing a critical “force multiplier” effect that aids in the reduction of violent crime across the nation.
- The expansion of illegal immigration enforcement activities, including the implementation of Operation Streamline in 2005, which increased federal prosecutions of immigration offenders, resulted in a significant increase in the USMS’ prisoner and fugitive workload along the Southwest Border.
- With more resources dedicated to apprehending and prosecuting suspected terrorists, the USMS continues to meet the increasing demands for high-level security required for many violent criminal and terrorist-related court proceedings.
- The Adam Walsh Child Protection and Safety Act of 2006 (P.L. 109-248) strengthened federal penalties by making the failure to register as a sex offender a federal offense. This Act directs the USMS to “assist jurisdictions in locating and apprehending sex offenders who violate sex offender registry requirements.” In response, the USMS established the Sex Offender Investigative Branch (SOIB) and opened the National Sex Offender Targeting Center (NSOTC) to carry out its mission to protect the public by bringing non-compliant sex offenders to justice and targeting offenders who pose the most immediate danger to the public in general and to child victims in particular.

C. USMS Budget

The USMS receives both direct and reimbursable funding in support of its operations. In the FY 2013 President’s Budget, the USMS proposed \$1.199 billion in direct funding, of which \$1.189 billion was in the S&E appropriation and \$10 million in the Construction appropriation. Currently, the USMS is operating under the Continuing Resolution Act, 2013 with a 0.612% increase over the FY 2012 Enacted Level. FY 2013 Current Levels are \$1.179 billion for S&E and \$15.1 million for Construction. The request also includes a third appropriation under the USMS: the Federal Prisoner Detention account. This account was previously appropriated to the Office of the Federal Detention Trustee.

The USMS receives reimbursable and other indirect resources from a variety of sources. Some of the larger sources include:

- The Administrative Office of the United States Courts (AOUSC) provides funding for administering the Judicial Facility Security Program;

- The Assets Forfeiture Fund (AFF) provides funding for managing and disposing seized assets;
- The Fees and Expenses of Witnesses (FEW) appropriation provides funding for securing and relocating protected witnesses; and
- The Organized Crime Drug Enforcement Task Force (OCDETF) provides funding for apprehending major drug case fugitives.

The USMS S&E budget is divided into five decision units. These decision units contain the personnel and funds associated with the following missions:

- **Judicial and Courthouse Security** – protects federal judges, jurors and other members of the federal judiciary. This mission is accomplished by anticipating and deterring threats to the judiciary, and the continual development and employment of innovative protective techniques;
- **Fugitive Apprehension** – conducts investigations involving: escaped federal prisoners; probation, parole and bond default violators; and fugitives based on warrants generated during drug investigations. In addition to these primary responsibilities, USMS task forces investigate and apprehend violent felony fugitives wanted by state and local authorities as well as international and foreign fugitives, gang members, and sex offenders;
- **Prisoner Security and Transportation** – moves prisoners between judicial districts, correctional institutions and foreign countries;
- **Protection of Witnesses** – provides for the security, health and safety of government witnesses and their immediate dependents whose lives are in danger as a result of their testimony against drug traffickers, terrorists, organized crime members and other major criminals; and
- **Tactical Operations** – conducts special assignments and security missions in situations involving crisis response, homeland security and other national emergencies.

D. Strategic Goals

The USMS mission supports all three goals within the DOJ Strategic Plan. Goal I is to “Prevent Terrorism and Promote the Nation’s Security Consistent with the Rule of Law.” Objective 1.1 is to “Prevent, disrupt, and defeat terrorist operations before they occur.” The USMS supports this objective by:

- Conducting threat assessments and investigating incoming threats or inappropriate communications made against members of the judicial family, and
- Assigning Deputy U.S. Marshals (DUSMs) to the Federal Bureau of Investigation (FBI) Joint Terrorism Task Forces to work terrorism cases and share information that may be critical to protect the federal judiciary.

Goal II is to “Prevent Crime, Protect the Rights of the American People and Enforce federal Law.” Objective 2.1 is to “Combat the threat, incidence, and prevalence of violent crime.” Objective 2.2 is to “Prevent and intervene in crimes against vulnerable populations; uphold the rights of, and improve services to, America’s crime victims.” Objective 2.3 is to “Combat the

threat, trafficking, and use of illegal drugs and the diversion of licit drugs.” The USMS supports these objectives by:

- Participating on the Organized Crime Drug Enforcement Task Forces (OCDETF) and DEA fugitive apprehensions.
- Enforcing the Adam Walsh Child Protection and Safety Act of 2006..

Goal III is to “Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the federal, State, Local, Tribal, and International Levels.” The majority of USMS resources are devoted to support Goal III. Objective 3.1 is to “Promote and strengthen relationships and strategies for the administration of justice with state, local, tribal, and international law enforcement.” Objective 3.2 is to “Protect judges, witnesses, and other participants in federal proceedings; apprehend fugitives; and ensure the appearance of criminal defendants for judicial proceedings or confinement.” Objective 3.3 is to “Provide for the safe, secure, humane, and cost-effective confinement of detainees awaiting trial and/or sentencing, and those in the custody of the federal prison system.” The USMS supports these objectives by:

- Protecting judges, prosecutors, and other participants in the federal judicial system;
- Securing federal court facilities and renovating courthouses to meet security standards;
- Investigating and apprehending federal, state, local and international fugitives impacting the reduction of violent crime;
- Transporting prisoners to court-ordered proceedings;
- Operating and maintaining the fleet of aircraft and ground transportation assets that comprise the Justice Prisoner and Alien Transportation System (JPATS);
- Protecting witnesses who provide testimony on behalf of the U.S. Government; and
- Providing tactical support for any Attorney General-directed missions, including natural disasters and civil disturbances.

E. Challenges

USMS mission responsibilities continue to grow, making effective planning essential to meeting all workload expectations. Most of these challenges fall into broad categories:

Detention

The FY 2013 President’s Budget proposed merging the Office of the Federal Detention Trustee (OFDT) in the USMS. The merger will align the accountability of resources with the responsibility of federal detention operations under a single command and control structure within the USMS leadership. The USMS will expand upon OFDT’s successes in achieving efficiencies, cost reductions and cost avoidance in detention through process and infrastructure improvements. The care of federal detainees in private, state and local facilities and the costs associated with these efforts will be funded from the Federal Prisoner Detention (FPD) account within the USMS.

FPD’s resource needs are directly impacted by law enforcement and prosecutorial priorities. Currently, the challenges facing law enforcement officials at the Southwest Border directly

impact the detention population. As federal law enforcement officials increase their efforts to deal with these issues, the USMS must ensure sufficient detention space is available to house and care for the corresponding detainees. This objective is made even more challenging given the limited detention space available in the Southwest Border region. USMS will continue to explore new approaches to address the increase in the federal detention population resulting from aggressive immigration and other law enforcement initiatives. For more information, please refer to the FY 2014 USMS FPD budget request.

Financial Management

The USMS transitioned to the Unified Financial Management System (UFMS) during the first quarter of FY 2013. UFMS enables program managers to streamline and standardize financial business processes that provide timely financial, budget, and acquisitions data. The USMS is able to address significant deficiencies by providing real-time tracking of the status of funds, along with the seamless integration of spending against budgets and plans. End-to-end visibility throughout the entire request-to-pay lifecycle is significantly improved, as is monitoring and oversight of projects by tracking costs incurred against reimbursable agreements. Productivity improvements are realized with automated routing and approvals. UFMS provides effective audit tracking controls and drill down queries to support financial audits.

Some of the current activities include:

- Developing job aids and supplemental instructions for UFMS ensuring all financial staff are qualified for the financial tasks assigned to them and complete implementation of the UFMS Help Desk.
- Working with the UFMS Project Management Office (PMO) to activate the built-in notification system to alert users when credit card payments require reconciliation.
- Monitoring user activity through review of unalterable logs.
- Enhancing system backup and restoration capabilities.
- Deploying automated tools to comply with federal IT security requirements.

II. Summary of Program Changes

Item Name	Description	Page		
		Pos.	FTE	Dollars (\$000)
Information Technology Savings	Savings that will be generated through greater inter-component collaboration in IT contracting	0	0	(\$1,477)
Administrative Efficiencies	Savings achieved through the implementation of efficiencies and cost savings in administrative areas, including, but not limited to: printing, publications, travel, conferences, supplies, and general equipment.	0	0	(\$3,533)
Construction	Reduces courthouse renovation funding within the Construction Appropriation, which provides resources to modify space controlled, occupied and/or utilized by the USMS for prisoner holding and related support space.	0	0	(\$5,000)

III. Appropriations Language and Analysis of Appropriations Language

United States Marshals Service

Salaries and Expenses

For necessary expenses of the United States Marshals Service, \$1,204,033,000, of which not to exceed \$6,000 shall be available for official reception and representation expenses, and not to exceed \$15,000,000 shall remain available until expended.

(cancellation)

Of the unobligated balances from prior year appropriations under this heading, \$12,200,000 are hereby permanently cancelled: Provided, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Note.—A full-year 2013 appropriation for this account was not enacted at the time the budget was prepared; therefore, this account is operating under a continuing resolution (P.L. 112-175). The amounts included for 2013 reflect the annualized level provided by the continuing resolution.

Construction

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, \$10,000,000, to remain available until expended.

Note.—A full-year 2013 appropriation for this account was not enacted at the time the budget was prepared; therefore, this account is operating under a continuing resolution (P.L. 112-175). The amounts included for 2013 reflect the annualized level provided by the continuing resolution.

Analysis of Appropriations Language

The FY 2014 appropriations language for both Salaries and Expenses and Construction does not include any enhancements or additional funding above standard inflationary increases. However, the proposed budget includes program offsets in areas where savings can be achieved such as administrative and information technology management efficiencies for S&E and reducing courthouse renovation projects for Construction.

IV. Program Activity Justification

A. Judicial and Courthouse Security

Judicial and Courthouse Security (S&E)	Perm. Pos.	FTE	Amount
2012 Enacted	2,222	2,077	\$454,888
2013 Continuing Resolution	2,222	2,041	\$454,888
2013 Continuing Resolution 0.612% Increase	0	0	\$2,784
Base and Technical Adjustments	0	0	\$8,555
2014 Current Services	2,222	2,041	\$466,227
2014 Program Offsets	0	0	(\$940)
2014 Request	2,222	2,041	\$465,287
Total Change 2012-2014	0	(36)	\$10,399

Judicial and Courthouse Security (Construction)	Perm. Pos.	FTE	Amount
2012 Enacted	0	0	\$15,000
2013 Continuing Resolution	0	0	\$15,000
2013 Continuing Resolution 0.612% Increase	0	0	\$92
Base and Technical Adjustments	0	0	(\$92)
2014 Current Services	0	0	\$15,000
2014 Program Offsets	0	0	(\$5,000)
2014 Request	0	0	\$10,000
Total Change 2012-2014	0	0	(\$5,000)

Judicial and Courthouse Security TOTAL	Perm. Pos.	FTE	Amount
2012 Enacted	2,222	2,077	\$469,888
2013 Continuing Resolution	2,222	2,077	\$469,888
2013 Continuing Resolution 0.612% Increase	0	0	\$2,876
Adjustments to Base and Technical Adjustments	0	0	\$8,463
2014 Current Services	2,222	2,041	\$481,227
2014 Program Offsets	0	0	(\$5,940)
2014 Request	2,222	2,041	\$475,287
Total Change 2012-2014	0	(36)	\$5,399

Judicial and Courthouse Security – Information Technology Breakout (of Decision Unit Total)	Perm. Pos.	FTE	Amount
2012 Enacted	43	43	\$36,387
2013 Continuing Resolution	49	49	\$36,387
2013 Continuing Resolution 0.612% Increase	0	0	\$223
Base and Technical Adjustments	0	0	\$659
2014 Current Services	49	49	\$37,269
2014 Program Offsets	0	0	(\$210)
2014 Request	49	49	\$37,059
Total Change 2012-2014	6	6	\$672

1. Program Description

Judicial and Courthouse Security encompasses personnel security (security protective detail for a judge or prosecutor) and building security (security equipment to monitor and protect a federal courthouse facility). Judicial security also includes maintaining security of prisoners in custody during court proceedings. DUSMs are assigned to 94 judicial districts (93 federal districts and the Superior Court for the District of Columbia) to protect the federal judicial system which handles a variety of cases including domestic and international terrorists, domestic and international organized criminal organizations, drug trafficking, gangs, and extremist groups. The USMS determines the level of security required for high-threat situations by assessing the threat level, developing security plans based on risks and threat levels, and assigning the appropriate security resources required to maintain a safe environment.

High-security, high-profile events require extensive operational planning and support from specially trained and equipped personnel due to the potential for additional terrorist attacks, threats from extremist groups, intense media attention, public concern, and global interest of these events. The complexity and threat levels associated with these cases require additional DUSMs for all aspects of USMS work.

Each judicial district and the 12 U.S. Circuit Courts are assigned a Judicial Security Inspector (JSI). These inspectors are senior-level DUSMs that have experience in every aspect of judicial security. The JSIs improve the USMS' ability to provide security due to their special experience in evaluating security precautions and procedures in federal courthouses. The inspectors assist with off-site security for judges, prosecutors, and other protectees. They also act as the USMS liaison with the Federal Protective Service (FPS) and the federal judiciary.

Protective Intelligence

In 2005, the Office of Protective Intelligence (OPI) was established using existing USMS headquarters resources. Additional resources were provided through the Emergency Supplemental Appropriation Act for Defense, the Global War on Terror, and Tsunami Relief of 2005 (P.L. 109-13). OPI's mission is to review and analyze intelligence and information related to the safety and security of members of the judiciary and USMS protectees. Pertinent information is disseminated to districts so appropriate measures can be put into place to protect the judicial process.

The USMS and FBI work together to assess and investigate all inappropriate communications received. The FBI has responsibility for investigating threats for the purpose of prosecution. The USMS conducts protective investigations that focus on rendering the threatener harmless, regardless of the possibility for prosecution. The protective investigation involves the systematic discovery, collection, and assessment of available information. The goal of each investigation is to determine a suspect's true intent, motive, and ability to harm the targeted individual. The investigation includes a plan to render the suspect harmless with no risk to the targeted individual. These investigations are the USMS' highest priority.

Court Security

The USMS also manages the Court Security Officer (CSO) Program, funded through the Court Security Appropriation within the Judiciary. There are over 5,000 CSO's who assist DUSMs and the FPS with building security. Their duties include: monitoring security systems; responding to duress alarms; screening visitors at building entrances; controlling access to garages; providing perimeter security in areas not patrolled by FPS; and screening mail and packages.

In addition to maintaining physical security of federal courthouses, the USMS also installs and maintains electronic security systems in USMS-controlled space and develops and implements security system installation plans to protect new and renovated courthouses. This is critical to the safety of judicial officials, courtroom participants, the general public, and USMS personnel. USMS-controlled space includes holding cells adjacent to courtrooms, prisoner/attorney interview rooms, cellblocks, vehicle sally ports, prisoner elevators, USMS office space, and special purpose space. Cameras, duress alarms, remote door openers and all other security devices improve the security presence in prisoner-movement areas. When incidents occur, the USMS is equipped to record events, monitor personnel and prisoners, send additional staff to secure the situation, and identify situations requiring a tactical response.

2. Performance Tables

PERFORMANCE AND RESOURCES TABLE

Decision Unit: Judicial and Courthouse Security

DOJ Strategic Goal Objective 1: Protect, disrupt, and detain terrorist operations before they occur, Objective 3.2 Protect judges, witnesses, and other participants in federal proceedings, apprehend fugitives, and ensure the appearance of criminal defendants for judicial proceedings or confinement

RESOURCES		Final Target		Actual		Projected		Changes		Requested (Total)	
TYPE/ STRATEGIC OBJECTIVE		FY 2012		FY 2012		FY 2013		Current Services Adjustments and FY 2014 Program Changes		FY 2014 Request	
		FTE	\$	FTE	\$	FTE	\$	FTE	\$	FTE	\$
1. Number of inappropriate communications/threats to protected court family members			N/A		N/A		1,374		27		1,401
2. Potential threats to members of the judicial process			1,400		1,373		1,400				Retired
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		2,270	\$454,888 [\$12,906]	2,141	\$454,939 [\$12,906]	2,122	\$457,672 [\$12,962]	2	\$7,615 [0]	2,124	\$465,287 [\$12,962]
PERFORMANCE		FY 2012		FY 2012		FY 2013		Current Services Adjustments and FY 2014 Program Changes		FY 2014 Request	
		FTE	\$	FTE	\$	FTE	\$	FTE	\$	FTE	\$
Program Activity	Judicial and Courthouse Security	2,270	\$454,888 [\$12,906]	2,141	\$454,939 [\$12,906]	2,122	\$457,672 [\$12,962]	2	\$7,615 [0]	2,124	\$465,287 [\$12,962]
Performance Measure: Output	1. Threats to protected court family members investigated		N/A		N/A		553		11		564
Performance Measure: Output	2. Protective details required/provided to court family members		N/A		N/A		28		1		29
Performance Measure: Output	3. Percent of federal courthouse facilities meeting minimum security standards **		35%		See below table **		35%				Retired
Performance Measure: Output	4. Potential threats to members of the judicial process: Total Investigated		1,400		1,373		1,400				Retired
Performance Measure: Output	5. Protective details provided		600		559		600				Retired

** The USMS National Facility Assessment is conducted every 3 years with the last survey completed in 2009. The next survey is anticipated to be completed and published in 2013.

*** The USMS continues to improve the security of federal courthouse facilities. The 2009 survey showed a 3% improvement from the previous survey. Although dependent on program funding, the USMS currently anticipates a 1% improvement in security standards per year which will be corroborated in the 2012 NSS.

PERFORMANCE AND RESOURCES TABLE

Decision Unit: Judicial and Courthouse Security

(DOJ) Strategic Goal/Objective 1.1 Protect, disrupt, and defeat terrorist operations before they occur. Objective 3.2 Protect judges, witnesses, and other participants in federal proceedings, apprehend fugitives, and ensure the appearance of criminal defendants for judicial proceedings or confinement

RESOURCES		Final Target	Actual	Projected	Changes	Requested (Total)
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2012	FY 2012	FY 2013	Current Services Adjustments and FY 2014 Program Changes	FY 2014 Request
Performance Measure: Output	6. Percentage/Number of potential threats, assessed by the USMS Threat Management Center in one business day or less.	100%	1,400	100%	1,400	Retired
Performance Measure: Outcome	7. Assaults against federal judges in the courtroom when USMS presence is required by USMS Policy or local District Court rule)	0	0	0	0	Retired
Performance Measure: Outcome	8. Assaults against protected court family members *	N/A	N/A	0	0	0

* Denotes inclusion in the DOJ Quarterly Status Reports.

** The USMS continues to improve the security of federal courthouse facilities. The 2009 National Facility Assessment Survey showed a 3% improvement from the previous survey.

*** The 2012 NFA Survey was not completed and a new survey process is currently under review.

A. Data Definition, Validation, Verification, and Limitations:

Note: Indicators labeled as 'RETIRED' will be discontinued in FY 2014.

Workload:

1. Number of inappropriate communications/threats to protected court family members:

Data Definition: An inappropriate communication/threat is the number of protective investigations opened by district investigators based on any valid triggering event. A triggering event includes, but not limited to, either written and oral communications, or any activity of a suspicious nature.

Data Validation and Verification: Numbers are calculated based on case reporting from the Justice Detainee Information System (JDIS) and are validated against the USMS' Judicial Security Division/Office of Protective Intelligence (JSD/OPI) case tracking records.

Data Limitations: This data is accessible to all districts and updated as new information is collected. There may be a lag in the reporting of data.

2. Potential threats to members of the judicial process (RETIRED): *[The determination to delete, refine, or replace an existing measure was made to align with the USMS Strategic Plan, reflect DOJ priority performance goals, and demonstrate programmatic effectiveness given data limitations.]*

A potential threat is any explicit or implied communication with intent to assault, intimidate, or interfere with the federal judicial process which includes judges, prosecutors, witnesses, jurors, court staff, or their families. The communication may be written, oral, or any activity of a suspicious nature.

Performance Measures:

1. Threats to protected court family members investigated:

Data Definition: The total number of protective investigations opened which are assessed as potential or high risk at some point during the investigation. These cases typically involve a variety of protective measures including but not limited to 24-hour continuous details, portal to portal details, security briefings, residential surveys, increased police patrols, etc.

Data Validation and Verification: Numbers are calculated based on case reporting from JDIS and are validated against JSD/OPI case tracking records.

Data Limitations: This data is accessible to all districts and updated as new information is collected. There may be a lag in the reporting of data.

2. Protective details required/provided to court family members:

Data Definition: A protective detail is a security assignment of 24 hours continuous detail and portal to portal protective details resulting from an inappropriate communication/threat.

Data Validation and Verification Numbers are calculated based on case reporting from JDIS and are validated against JSD/OPI case tracking records.

Data Limitations: This data is accessible to all districts and updated as new information is collected. There may be a lag in the reporting of data.

3. Percent of federal courthouse facilities meeting minimum security standards (RETIRED): *[The determination to delete, refine, or replace an existing measure was made to align with the USMS Strategic Plan, reflect DOJ priority performance goals, and demonstrate programmatic effectiveness given data limitations.]*

The USMS National Facility Assessment (NFA) has been administered four times: 1999, 2002, 2006 and 2009. In the most recent survey, results were based on 330 facilities having prisoner movement areas. Each facility was evaluated according to the USMS "Requirements and Specifications for Special Purpose and Support Space Manual," the "U.S. Courts Design Guide," and the Interagency Security Criteria. The security of each facility was graded on a 100 point scale, with 80 points being the score that met minimum security requirements. In the initial 1999 survey, only 6 percent of the facilities surveyed met the minimum security requirements. In 2006, 29 percent of the facilities surveyed met the minimum security requirements showing a 23 percent improvement in enhanced security over 7 years. In 2009, 32 percent of the facilities surveyed met the minimum security requirements showing only a 3 percent improvement in enhanced security over the past 3 years.

4. Potential threats to members of the judicial process: Total investigated (RETIRED): *[The determination to delete, refine, or replace an existing measure was made to align with the USMS Strategic Plan, reflect DOJ priority performance goals, and demonstrate programmatic effectiveness given data limitations.]*

A potential threat is any explicit or implied communication with intent to assault, intimidate, or interfere with the federal judicial process which includes judges, prosecutors, witnesses, jurors, court staff, or their families. The communication may be written, oral, or any activity of a suspicious nature. All communications are investigated by both headquarters and the district offices and may lead to a protective detail. The USMS and FBI work together on all investigations that contain an indication of a potential criminal threat. The USMS conducts protective investigations that focus on mitigating any potential danger to a protectee which may or may not involve criminal prosecution. The FBI has primary responsibility for conducting criminal investigations and prosecutions of individuals who threaten federal officials. The protective investigation is a systematic collection and assessment of available information related to a potential danger. This investigation attempts to determine a person's true intent, motive, and ability to harm the protectee. These investigations are given highest priority due to the potential risk involved.

5. Protective details provided (RETIRED): *[The determination to delete, refine, or replace an existing measure was made to align with the USMS Strategic Plan, reflect DOJ priority performance goals, and demonstrate programmatic effectiveness given data limitations.]*

A protective detail is a security assignment where a judge, or another member of the judicial system, is protected outside the courthouse. Protective details also involve security assignments for court-related events (such as sequestered juries or judicial conferences). Typically, personal security details are either 24 hours-a-day, 7 days-a-week, or are door-to-door (leave home until return home, or leave home until arrive at work), for the duration of a high-threat trial, a judicial conference, or other high-profile event warranting extra security. Additionally, Supreme Court Justice details are usually provided by a senior inspector whenever a Justice travels outside of the Washington, D.C. area. The Justices frequently deliver speeches at public events around the country requiring protection from the airport to the site of the speech, up to 24-hour protection details. Security details for events are set at one of four levels: (Level 1) on-site security is already in place and no USMS personnel are required; (Level 2) on-site security detail is to be provided by the host district due to a determination of an anticipated security risk that presents opportunities for disruption and violence; (Level 3) a senior inspector supervises the security when the number of judges in attendance is significant, the location of the event is in an unsecured facility or in a dangerous area, and/or the nature of the event presents opportunities for disruption and violence; or (Level 4) a Supreme Court Justice or a significant number of judges are in attendance and the anticipated security risk is determined to present substantial opportunities for disruption and violence.

6. Percentage/Number of potential threats assessed by the USMS Threat Management Center in one business day or less (RETIRED): *[The determination to delete, refine, or replace an existing measure was made to align with the USMS Strategic Plan, reflect DOJ priority performance goals, and demonstrate programmatic effectiveness given data limitations.]*

Any potential threat directed toward a USMS protectee is given the highest priority and investigated immediately by a DUSM in the field. This information is forwarded to the Threat Management Center (TMC) and an initial assessment is performed by the TMC analysts. Based upon the DUSM's preliminary findings, and in conjunction with district management, the threat risk is classified into one of two categories: "Expedite" or "Standard." This categorization is for analysis purposes. The investigative report is sent to the Office of Protective Intelligence (OPI) at Headquarters while the investigation continues in the district. In some cases, the district has already initiated a protective detail. Upon receipt of the written report from the field, OPI immediately conducts an initial review and analysis, begins queries of USMS databases and databases of other law enforcement agencies, and applies the appropriate analytical tools. OPI then prioritizes and completes the process with computer-aided threat analysis software. A protective investigation classified as "Expedite" requires the OPI to have all analysis completed and reported back to the investigating district(s) within three business days. To be classified as "Expedite" it must meet one or more of the following criterion: the district has initiated a protective detail based on the "perceived" threat level; a suspect has approached a protectee's residence; other unsettling behavior has been observed at other locations; property has been vandalized; or a person is suspected of monitoring a USMS protected facility. When potential threats are from persons documented as being associated with terrorist

organizations, or from individuals or groups that have a documented history of violence against the judicial process, they are also designated as "Expedite."

7. Assaults against federal judges in the courtroom (when DUSMs' presence is required by USMS Policy or local District Court rule) (RETIRED): *[The determination to delete, refine, or replace an existing measure was made to align with the USMS Strategic Plan, reflect DOJ priority performance goals, and demonstrate programmatic effectiveness given data limitations.]*

Assaults against federal judges in the courtroom (when DUSMs' presence is required by USMS Policy or local District Court rule) are the number of instances where a federal judge or magistrate was assaulted while DUSMs were in the courtroom. By USMS Policy or local District Court rule, DUSMs are not required to be present in every judicial proceeding where a federal judge or magistrate is seated on the bench. In some instances, even defendants in criminal cases, who are not in USMS custody (out on bond) and where no potential threats are known, are in the courtroom without a DUSM present.

8. Assaults against protected court family members:

Data Definition: Assaults against protected court family members are any criminal assaults motivated by the protectees status within the court family.

Data Validation and Verification: Numbers are calculated based on case reporting from JDIS and are validated against JSD/OPI case tracking records.

Data Limitations: This data is accessible to all districts and updated as new information is collected. There may be a lag in the reporting of data.

B. Factors Affecting FY 2013 - FY 2014 Plans.

The USMS is committed to the protection of the judicial process by ensuring the safe and secure conduct of judicial proceedings and protecting federal judges, jurors and other members of the court family. This mission is accomplished by anticipating and deterring threats to the judiciary, and the continuous employment of innovative protective techniques. The USMS will continue to work with local, state, and federal law enforcement partners to share data on individuals and groups that threaten judges and prosecutors.

PERFORMANCE MEASURE TABLE

Decision Unit: Judicial and Courthouse Security

Performance Measure	FY 2006		FY 2007		FY 2008		FY 2009		FY 2010		FY 2011		FY 2012		FY 2013		FY 2014	
	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target
Performance Report and Performance Plan Targets																		
1. Threats to protected court family members investigated	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	553	564	
2. Protective details required/provided to court family members	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	28	29	
3. Percent of federal courthouse facilities meeting minimum security standards **	19%	29%	29%	29%	29%	29%	29%	29%	32%	32%	32%	32%	35%	35%	See below note ***	See below note ***	Retired	
4. Potential threats to members of the judicial process: Total investigated	1,111	1,145	1,278	1,390	1,394	1,394	1,390	1,394	1,258	1,258	1,258	1,258	1,400	1,400	1,373	1,400	Retired	
5. Protective details provided	464	487	540	473	523	523	473	523	551	551	551	551	600	600	529	600	Retired	
6. Percentage of potential threats assessed by the USMS Threat Management Center in one business day or less	N/A	4%	99%	98%	96%	96%	98%	98%	99%	99%	99%	99%	100%	100%	100%	100%	Retired	
6. Number of potential threats assessed by the USMS Threat Management Center in one business day or less	N/A	43	1,277	1,348	1,340	1,340	1,348	1,340	1,250	1,250	1,250	1,250	1,400	1,400	1,373	1,400	Retired	
7. Assaults against federal judges in the courtroom (when Deputy Marshals' presence is required by USMS Policy or local District Court rule)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Retired	

N/A - Data unavailable

* Denotes inclusion in the DOJ Quarterly Status Reports.

** The USMS National Facility Assessment is conducted every 3 years with the last survey completed in 2009.

*** The 2012 NFA survey was not completed and a new survey process is currently under review.

PERFORMANCE MEASURE TABLE

Decision Unit: Judicial and Courthouse Security

Performance Report and Performance Plan Targets

Outcome Measure	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012		FY 2013	FY 2014
							Target	Actual		

8. Assaults against protected court family members *	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0
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* Denotes inclusion in the DOJ Quarterly Status Reports.

** The USMS National Facility Assessment is conducted every 3 years with the last survey completed in 2009.

*** The 2012 NFA survey was not completed and a new survey process is currently under review.

3. Performance, Resources, and Strategies

The Judicial and Courthouse Security decision unit supports the Department's Strategic Goal 1: Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law; and Strategic Goal 3: Strategic Goal 3: Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal, and International Levels. Within these goals, the resources specifically address DOJ Strategic Objective: 1.1 Prevent, disrupt, and defeat terrorist operations before they occur; and DOJ Strategic Objective 3.2 - Protect judges, witnesses, and other participants in federal proceedings; apprehend fugitives; and ensure the appearance of criminal defendants for judicial proceedings or confinement.

The USMS maintains the integrity of the federal judicial system by: 1) ensuring that U.S. Courthouses, federal buildings, and leased facilities occupied by the federal judiciary and the USMS are secure and safe from intrusion by individuals and technological devices designed to disrupt the judicial process; 2) guaranteeing that federal judges, magistrate judges, attorneys, defendants, witnesses, jurors, and others can participate in uninterrupted court proceedings; 3) assessing inappropriate communications and providing protective details to federal judges or other members of the judicial system; 4) maintaining the custody, protection, and security of prisoners and the safety of material witnesses for appearance in court proceedings; and 5) limiting opportunities for criminals to tamper with evidence or use intimidation, extortion, or bribery to corrupt judicial proceedings.

a. Performance Plan and Report for Outcomes

As illustrated in the preceding Performance and Resources Table, a performance outcome measure for this decision unit is assaults against protected court family members (when a protective detail is provided).

b. Strategies to Accomplish Outcomes

During high-risk, high-threat trials dealing with domestic and international terrorist-related and domestic and international organized criminal proceedings, the USMS security requirements increase. The USMS assesses the threat level at all high-threat proceedings, develops security plans, and assigns the commensurate security resources required to maintain a safe environment, including the possible temporary assignment of DUSMs from one district to another to enhance security. Where a proceeding is deemed high-risk, the USMS district staff and Judicial Security Inspectors develop an operational plan well in advance of when a proceeding starts. The FY 2014 requested resources will allow the USMS to continue these strategies to accomplish the projected outcomes.

B. Fugitive Apprehension

<i>Fugitive Apprehension</i>	Perm. Pos.	FTE	Amount
2012 Enacted	1,744	1,630	\$397,254
2013 Continuing Resolution	1,744	1,601	\$397,254
2013 Continuing Resolution 0.612% Increase	0	0	\$2,431
Base and Technical Adjustments	0	0	\$6,801
2014 Current Services	1,744	1,601	\$406,486
2014 Program Offsets	0	0	(\$1,684)
2014 Request	1,744	1,601	\$404,802
Total Change 2012-2014	0	(29)	\$7,548

<i>Fugitive Apprehension-Information Technology Breakout (of Decision Unit Total)</i>	Perm. Pos.	FTE	Amount
2012 Enacted	34	34	\$28,770
2013 Continuing Resolution	39	39	\$28,770
2013 Continuing Resolution 0.612% Increase	0	0	\$176
Adjustments to Base and Technical Adjustments	0	0	\$525
2014 Current Services	39	39	\$29,471
2014 Program Offsets	0	0	(\$230)
2014 Request	39	39	\$29,241
Total Change 2012-2014	5	5	\$471

1. Program Description

The **Fugitive Apprehension** decision unit includes domestic and international fugitive investigations to include fugitive extraditions and deportations, sex offender investigations, technical operations, and the seizure of assets.

Domestic and International Fugitive Investigations**Domestic Fugitive Investigations**

According to Title 28 USC 566(e)(1)(B) *Powers and Duties*, the USMS is authorized to locate and apprehend federal, state, and local fugitives both within and outside the borders of the United States. In addition to this directive, the USMS is also tasked with providing assistance and expertise to other law enforcement agencies in support of their own fugitive investigations. This broad scope of responsibilities concerning the location and apprehension of federal, state, local, and foreign fugitives has been detailed in a series of federal laws, rules, regulations, Department of Justice policies, Office of Legal Counsel opinions, and various memoranda of understandings with other federal law enforcement agencies. These guidelines have enabled the USMS to forge a long and distinguished history of exemplary service while working both as an individual organization and with other federal, state, and local law enforcement agencies.

In 1983, the USMS established the 15 Most Wanted Fugitive Program in an effort to prioritize the investigation and apprehension of high-profile offenders who are considered to be some of the country's most dangerous fugitives. In 1985, the USMS established its Major Case Fugitive

Program in an effort to supplement the successful 15 Most Wanted Fugitive Program. Much like its predecessor, the Major Case Fugitive Program prioritizes the investigation and apprehension of high-profile offenders who tend to be career criminals with a history of violence that poses a significant threat to public safety. Current and past fugitives targeted by this program include murderers, violent gang members, sex offenders, major drug kingpins, organized crime figures, and individuals wanted for high-profile financial crimes.

In 2000, *The Presidential Threat Protection Act of 2000* (Public Law 106-554) directed the Attorney General, “upon consultation with appropriate Department of Justice and Department of the Treasury law enforcement components, to establish permanent Fugitive Apprehension Task Forces consisting of federal, state, and local law enforcement authorities in designated regions of the U.S., to be directed and coordinated by the USMS, for the purpose of locating and apprehending fugitives.” Using that authority, the USMS established the Regional Fugitive Task Forces (RFTFs) to locate and apprehend the most violent fugitives and to assist in high-profile investigations that identify criminal activities for future state and federal prosecutions. In January of 2008, the RFTFs were re-authorized as part of the *Court Security Improvement Act of 2007* (Public Law 110-177).

Investigative information that is collected by the USMS often leads to the development of new sources, new case referrals, and the acquisition of information and intelligence that support both criminal investigations and new fugitive cases. In FY 2002, the USMS established the first two RFTFs, one in the New York/New Jersey area and another in the Pacific Southwest region. Three additional RFTFs were established during FY 2003 and FY 2004 in the Great Lakes, Southeast and Capital Area regions. In FY 2006, another RFTF was established in the Gulf Coast Region and in 2008 the Florida/Caribbean RFTF was established, bringing the total number of RFTFs to seven. As part of the USMS Strategic Plan, the USMS has identified 11 additional regions where the establishment of a RFTF or significant enhancements to the USMS Investigative Operations infrastructure would be a true value-added initiative.

In addition to the seven RFTFs, the USMS presently sponsors and leads an additional 60 multi-agency fugitive task forces throughout the country that focus their investigative efforts on felony fugitives wanted for federal, state, and local crimes of violence. This includes sex offenders, gang members, and drug traffickers. Additional funding outside of the USMS for these task forces is often granted through initiatives such as the Joint Law Enforcement Operations (JLEO) funding, which is administered by the DOJ Asset Forfeiture Fund, High Intensity Drug Trafficking Area (HIDTA) and Project Safe Neighborhoods programs.

International Fugitive Investigations

In addition to domestic investigations, the USMS, which has statutory responsibility for all international extraditions, works to make sure that there are no safe havens for criminals who flee the territorial boundaries of the U.S. Because of the globalization of crime and the immediate mobility of fugitives, an intensive effort is required to address the increasing number of fugitives from the U.S. who flee its territorial boundaries. In order to effectively investigate, apprehend, and remove these fugitives back to the U.S., the USMS has become a leader in the development of several international fugitive programs. The USMS Investigative Operations Division (IOD) manages foreign and international fugitive investigations, three foreign field

offices, foreign law enforcement training, the Mexico and Canada Investigative Liaison programs, and the worldwide extradition program. IOD also oversees liaison positions at Interpol-United States National Central Bureau (USNCB), the Department of Justice-Office of International Affairs (OIA), the El Paso Intelligence Center (EPIC), and the Department of State-Diplomatic Security Service (DOS-DSS).

The IOD International Investigations Branch (IIB) is responsible for processing, reviewing, and coordinating investigations concerning the pursuit and apprehension of international fugitives and foreign fugitives. The USMS defines international fugitives as “fugitives wanted in the U.S. who have fled to foreign countries to avoid prosecution or incarceration.” The IIB staff coordinates international investigations with district field offices and other domestic law enforcement agencies to provide guidance and direction on the international process. The IIB also provides points of contact in foreign countries to facilitate these investigations. Additionally, IIB is responsible for oversight and coordination of the USMS Extraterritorial Investigations Policy. This policy sets forth the manner in which law enforcement activities are conducted outside of the territorial jurisdiction of the U.S. Through an agreement with the DOJ Criminal Division, the USMS is responsible for investigating foreign fugitive cases referred by Interpol, DOJ-OIA, other domestic law enforcement agents stationed overseas, and through foreign embassies in the U.S.

Interaction with law enforcement agencies and representatives of foreign governments occurs daily. The U.S. has no jurisdiction outside of its borders; therefore, the IIB relies heavily on its working relationships with foreign countries. The IIB emphasizes relationships with foreign embassies in the Washington, D.C. area and, through district offices, with consulates around the U.S. The IIB staff participates in the Washington, D.C.-based Liaison Officers Association, which is comprised of foreign law enforcement officials assigned to embassies in the U.S. The USMS coordinates foreign fugitive cases with these offices, thereby expanding the network of foreign law enforcement resources available to the USMS.

Sex Offender Investigations

As a result of the enactment of the Adam Walsh Child Protection and Safety Act (AWA) of 2006 (Public Law 109-248), the USMS established the Sex Offender Investigative Branch (SOIB) in August 2006. The Act states that “In order to protect the public from sex offenders and offenders against children ...” the “Attorney General shall use the resources of federal law enforcement, including the USMS, to assist jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements.” The USMS is the lead law enforcement agency responsible for investigating sex offender registration violations under the Act. The USMS has three distinct missions pursuant to the Act, including: (1) assisting state, local, tribal, and territorial authorities in the location and apprehension of non-compliant sex offenders; (2) investigating violations of 18 USC § 2250 and related offenses; and (3) assisting in the identification and location of sex offenders relocated as a result of a major disaster. The USMS carries out its duties in partnership with state, local, tribal, and territorial law enforcement authorities and works closely with the National Center for Missing and Exploited Children (NCMEC).

To further enhance its capabilities and support its state and local partners, the USMS opened the National Sex Offender Targeting Center (NSOTC) in FY 2010. The NSOTC has partnered with several agencies, including Interpol, the Department of State's Diplomatic Security Service, and Customs and Border Protection to identify Adam Walsh Act violations by tracking sex offenders who travel in and out of the U.S. and fail to comply with the mandated registration requirements. The NSOTC has also created an initiative with the DoD to identify and locate non-compliant sex offenders. The Targeting Center worked with Military Correctional Branch to expand their notification procedures to include the NSOTC when military convicted sex offenders are released, which will allow enforcement officials to better identify non-compliant sex offenders for arrest and prosecution. SOIB activities also support the Department's National Strategy for Child Exploitation Prevention and Interdiction.

Technical Operations

The USMS' Technical Operations Group (TOG) provides the USMS, other federal agencies, and requesting state or local law enforcement agencies, with the most timely and technologically advanced electronic surveillance and investigative intelligence available in the world. Annually, TOG assists hundreds of other federal, state, and local law enforcement agencies in support of thousands of the nation's most critical and time-sensitive investigations. TOG operates from eight Regional Technical Operations Centers (RTOC) and 21 field offices throughout the U.S. and Mexico. TOG is comprised of approximately 100 personnel, including technically trained criminal investigators, investigator-pilots, intelligence analysts and administrative specialists. The RTOCs are strategically deployed in the major metropolitan areas throughout the U.S. TOG is comprised of two branches that work synergistically: the Electronic Surveillance Branch (ESB) and the Air Surveillance Branch (ASB).

The ESB was established in 1989 to provide state-of-the-art electronic surveillance assistance in fugitive investigations in response to the criminal element's increasing reliance on technology to continue criminal enterprise and flight. ESB deploys sophisticated commercial and sensitive technical surveillance technologies for the interception of hard line and cellular telecommunications, Wi-Fi collection and emitter location, Global Positioning System (GPS) and Radio Frequency (RF) tagging/tracking, computer and cellular exploitation and on-scene forensic extraction, photo/video surveillance, and Technical Surveillance and Countermeasure (TSCM) sweeps to detect surreptitious monitoring devices.

ASB provides aerial support to the various missions of the USMS with seven specially-equipped fixed wing aircraft outfitted with advanced avionics, surveillance, and communications capabilities. The aircraft and pilots are co-located with the RTOCs to provide a variety of Investigative, Surveillance, and Reconnaissance capabilities that include still and motion aerial imagery and enhancement, aerial RF beacon tracking, mobile communication command and control, and electronic surveillance package deployment in support of fugitive investigative missions.

Due to TOG's unique ability of identifying and locating persons of interest to the U.S. by way of electronic surveillance and technical operations, TOG is the sole USMS liaison to the U.S. Intelligence Community (IC) with respect to Signal Intelligence (SIGINT), Measurement &

Signature Intelligence (MASINT), Imagery Intelligence (IMINT), Electronic Intelligence (ELINT), and Communications Intelligence (COMINT). Additionally, TOG shares its investigative Tactics, Techniques, and Procedures (TTP) with certain members of the IC and DoD. This collaborative effort has allowed all participants to enhance their capabilities and mission readiness.

Except as constrained by financial and manpower limitations – as is frequently the case – there is not a single investigation that electronic surveillance and related technical operations cannot substantially contribute to and significantly expedite. TOG-deployed resources against an active and targeted device or known subject yield a near-100% success rate.

Seizure of Assets

The USMS administers the DOJ Asset Forfeiture Program (AFP), which is one of DOJ's most potent weapons against criminal organizations including complex drug organizations, terrorist networks, organized crime, and money laundering groups. The three goals of the AFP are to: (1) strip criminals of money or other possessions acquired in a dishonest or illegal fashion; (2) improve law enforcement cooperation; and (3) enhance law enforcement through equitable revenue sharing. The USMS manages and disposes of assets seized and forfeited by participating federal law enforcement agencies (including DEA, FBI, ATF, FDA, and U.S. Postal Inspection Service) and U.S. Attorneys nationwide.

To proactively identify additional assets and determine forfeiture ability of targeted assets, in August 2008, the Attorney General granted a waiver to the USMS to fund 28 new DUSMs (1811 Financial Investigators) from the Assets Forfeiture Fund (AFF) to work exclusively in the USMS AFP. These positions are in addition to those DUSMs who are currently performing AFF-related duties and funded through the USMS Salaries and Expenses (S&E) appropriation. These positions were phased in over FY 2009 and FY 2010. An additional 29 positions were phased in over FY 2010 and FY 2011. Ten new 1811 Financial Investigator positions were approved in the FY 2013 AFF Budget.

The USMS conducts pre-seizure planning, which is the process of determining the assets to be targeted for forfeiture and executing court orders for seizures or taking physical custody of assets. The USMS conducts pre-seizure planning with other law enforcement components, executes court orders, and assists in the physical seizure and security of the assets. A national cadre of USMS employees manages and disposes of most assets seized for forfeiture by utilizing successful procedures employed by the private sector. All seized properties are carefully inventoried, appraised, and maintained. Once the assets are forfeited, the USMS ensures that they are disposed of in a timely and cost efficient manner utilizing best business practices. Equitable Sharing with participating state and local law enforcement agencies is performed upon completion of forfeiture, where applicable.

2. Performance Tables

PERFORMANCE AND RESOURCES TABLE						
Decision Unit: Fugitive Apprehension						
DOI Strategic Goal Objective 2.1 Combat the threat, incidence, and prevalence of violent crime; Objective 2.2 Prevent and intervene in crimes against vulnerable populations; uphold the rights of, and improve services to, America's crime victims; Objective 3.1 Promote and strengthen relationships, and strategies for the administration of justice with state, local, tribal, and international law enforcement, and Objective 3.2 Protect judges, witnesses, and other participants in federal proceedings; apprehend fugitives; and ensure the appearance of criminal defendants for judicial proceedings or confinement						
RESOURCES	Target	Actual	Projected	Changes	Requested (Total)	
	FY 2012	FY 2013	FY 2013 CR	Current Services Adjustments and FY 2014 Program Changes	FY 2014 Request	FY 2014 Request
1. Number of Federal fugitives (warrants)	N/A	N/A	51,943	779	52,722	
2. Number of Assets in inventory			21,969	0	21,969	
a. Cash			13,942	0	13,942	
b. Complex Assets			150	0	150	
c. All Other Assets	N/A	N/A	7,877	0	7,877	
3. Number of wanted primary Federal felony fugitives	65,851	57,373	66,510		Retired	
4. Assets seized in a fiscal year by all DOJ agencies	19,292	23,832	19,292		Retired	
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)	FTE 2,011 \$397,254 (\$17,068)	FTE 3,576 \$398,526 (\$17,068)	FTE 1,895 \$399,685 (\$16,958)	FTE 3 \$5,117 (\$0)	FTE 1,898 \$404,802 (\$16,958)	FTE 1,898 \$404,802 (\$16,958)
TYPE/ STRATEGIC OBJECTIVE	FY 2012	FY 2013	FY 2013 CR	Current Services Adjustments and FY 2014 Program Changes	FY 2014 Request	FY 2014 Request
Program Activity	FTE 2,011 \$397,254 (\$17,068)	FTE 3,576 \$398,526 (\$17,068)	FTE 1,895 \$399,685 (\$16,958)	FTE 3 \$5,117 (\$0)	FTE 1,898 \$404,802 (\$16,958)	FTE 1,898 \$404,802 (\$16,958)
Performance Measure: Output						
Performance Measure: Output	N/A	N/A	32,401	489	33,090	33,090
1. Number of Federal warrants cleared						
2. Non-compliant Sex Offender Investigations	N/A	N/A	1,370	13	1,383	1,383

* Denotes inclusion in the DOJ Quarterly Status Reports

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PERFORMANCE AND RESOURCES TABLE

Decision Unit: **Fugitive Apprehension**

DOJ Strategic Goal/Objective 2.1 Combat the threat, incidence, and prevalence of violent crime; Objective 2.2 Prevent and intervene in crimes against vulnerable populations, uphold the rights of, and improve services to, America's crime victims; Objective 3.1 Promote and strengthen relationships and strategies for the administration of justice with state, local, tribal, and international law enforcement; and Objective 3.2 Protect judges, witnesses, and other participants in federal proceedings, apprehend fugitives, and ensure the appearance of criminal defendants for judicial proceedings or confinement

RESOURCES	Final Target	Actual	Projected	Changes	Requested (Total)
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2012	FY 2013	Current Services Adjustments and FY 2014 Program Changes	FY 2014 Request
Performance Measure: Output	3. Number of assets disposed a. Cash b. Complex Assets c. All Other Assets		19,379 12,338 0 2 7,039	0 0 0 0	19,379 12,338 0 2 7,039
Performance Measure: Output	4. Percent of asset value returned to the fund *	N/A	N/A	0	75%
Performance Measure: Efficiency	5. Percent of All Other Assets disposed within procedural time frames *	N/A	60%	0	60%
Performance Measure: Output	6. Number of primary violent federal felony fugitives apprehended or cleared	14,545	14,690		Retired
Performance Measure: Output	7. Number of violent state and local felony fugitives apprehended or cleared	54,082	54,623		Retired
Performance Measure: Efficiency	8. Number of primary violent federal and violent non-federal felony fugitives apprehended or cleared per full cost FTE	39	39		Retired
Performance Measure: Efficiency	9. Number of primary federal felony fugitives and state and local felony fugitives apprehended or cleared per full cost FTE	73	73		Retired

* Denotes inclusion in the DOJ Quarterly Status Reports.

PERFORMANCE AND RESOURCES TABLE

Decision Unit: Fugitive Apprehension

DOI Strategic Goal/Objective 2.1 Combat the threat, incidence, and prevalence of violent crime; Objective 2.2 Prevent and intervene in crimes against vulnerable populations; uphold the rights of, and improve services to, America's crime victims; Objective 3.1 Promote and strengthen relationships and strategies for the administration of justice with state, local, tribal, and international law enforcement; and Objective 3.2 Protect judges, witnesses, and other participants in federal proceedings; apprehend fugitives; and ensure the appearance of criminal defendants for judicial proceedings or confinement

RESOURCES		Final Target	Actual	Projected	Changes	Requested (Total)
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2012	FY 2013	FY 2013	Current Services Adjustments and FY 2014 Program Changes	FY 2014 Request
Performance Measure: Output	10. Number of assets disposed: a. Real property b. Cash c. Other	19,270 316 12,740 6,214	20,664 464 13,074 7,126	19,379 316 12,338 6,725		Retired Retired Retired Retired
Performance Measure: Efficiency	11. Percent of real property assets sold at 85% or more of its fair market value	73%	73%	73%		Retired
Performance Measure: Efficiency	12. Percent of real property assets disposed within one year of receipt of the forfeiture documentation	71%	63%	67%		Retired
Performance Measure: Output	13. Number of AWA Investigations opened by full-time District SOICs (Sex Offender Investigation Coordinator)	1,305	1,551	1,370		Retired
Performance Measure: Outcome	14. Number of primary violent federal felony and violent non-federal felony fugitives apprehended or cleared	68,627	71,519	69,313		Retired
Performance Measure: Outcome	15. Number and Percent of primary federal felony fugitives apprehended or cleared	34,421	34,691	34,765	52%	Retired
Performance Measure: Outcome	16. Number of USMS federal and previous non-federal fugitives apprehended/cleared			101,793	1,527	103,320
Performance Measure: Outcome	17. Number and Percent of federal fugitives apprehended/cleared *	N/A	N/A	31,388	628	32,016
			N/A	58%	0	58%

* Denotes inclusion in the DOJ Quarterly Status Reports.

A. Data Definition, Validation, Verification, and Limitations:

Note: Indicators labeled as 'RETIRED' will be discontinued in FY 2014.

Workload:

1. Federal fugitives (warrants):
 - a. Data Definition: Wanted fugitives include all those wanted at the beginning of the fiscal year, plus all fugitive cases received by the USMS throughout the fiscal year. Fugitives with multiple warrants are counted once.
 - b. Data Validation and Verification: Warrant and fugitive data is verified by a random sampling of National Crime Information Center (NCIC) records generated by the FBI. The USMS coordinates with district offices to verify that warrants are validated against the signed paper records.
 - The USMS then forwards the validated records back to NCIC.
 - c. Data Limitations: This data is accessible to all districts and updated as new information is collected. There may be a lag in the reporting of data.
2. Number of assets in inventory:
 - a. Data Definition: The number of assets currently in USMS custody that are pending forfeiture decision/disposal instructions.
 - b. Data Validation and Verification: Assets are recorded by seizing agencies and verified by District Offices. Data is entered by individuals in District Offices and Headquarters and is audited by internal and external controls.
 - c. Data Limitations: Data are estimates based upon the date extracted as data entry in the Consolidated Asset Tracking System (CATS) is a continuous process.
3. Number of wanted primary federal felony fugitives (RETIRED): *[The determination to delete, refine, or replace an existing measure was made to align with the USMS Strategic Plan, reflect DOJ priority performance goals, and demonstrate programmatic effectiveness given data limitations.]*

A primary federal felony fugitive has a warrant(s) in which the USMS has primary apprehension responsibility. These include: escapes from federal custody, supervisory violations, provisional warrants issued at the request of foreign governments, warrants issued by other federal agencies that do not have arrest power, and other federal law enforcement agencies' warrants that are referred to the USMS for apprehension responsibility. Wanted fugitives include all those wanted at the beginning of the fiscal year, plus all fugitive cases received by the USMS throughout the fiscal year.
4. Assets seized in a fiscal year by all DOJ agencies (RETIRED): *[The determination to delete, refine, or replace an existing measure was made to align with the USMS Strategic Plan, reflect DOJ priority performance goals, and demonstrate programmatic effectiveness given data limitations.]*

The number of assets seized includes those seized by the participants of the DOJ Asset Forfeiture Program plus assets transferred into USMS custody.

Performance Measures:

1. Number of federal warrants cleared:

- a. Data Definition: A warrant is considered cleared if the fugitive is arrested, has a detainer issued, or the warrant is dismissed.
 - b. Data Validation and Verification: See federal fugitives (warrants) above.
 - c. Data Limitations: See federal fugitives (warrants) above.
2. Non-compliant Sex Offender Investigations:
- a. Data Definition: Includes investigations of violators of the Adam Walsh Child Protection and Safety Act that reach the level of the Attorney General's Guidelines for Conducting Domestic Investigations.
 - b. Data Validation and Verification: Annual Office of Inspections (OI) Self-Assessment Guide (SAG) review of files vs. the database. OI also conducts 10 annual in-person inspections of Districts and Divisions each year.
 - c. Data Limitations: Data entry often lags behind operations causing a delay in timely and accurate information. This lag varies by office size, staffing and other intangibles.
- 3a. Number of assets disposed (Cash):
- a. Data Definition: The number listed for "Cash" signifies the total separate cash asset IDs in USMS custody.
 - b. Data Validation and Verification: Data is entered by individuals in District Offices and Headquarters and is audited by internal and external controls
 - c. Data Limitations: Data are estimates based upon the date extracted as data entry in the CATS is a continuous process.
- 3b. Number of assets disposed (Complex Assets):
- a. Data Definition: The number listed for "Complex Assets" signifies the sum of total assets categorized as "Commercial Business," "Financial Instrument," or "Intangible Asset."
 - b. Data Validation and Verification: Assets are recorded by seizing agencies and verified by District Offices. Data is entered by individuals in District Offices and Headquarters and is audited by internal and external controls.
 - c. Data Limitations: Data are estimates based upon the date extracted as data entry in the CATS is a continuous process.
- 3c. Number of assets disposed (All Other Assets):
- a. Data Definition: The number listed for "All Other Assets" signifies the sum of assets disposed minus "Cash" and "Complex Assets."
 - b. Data Validation and Verification: Assets are recorded by seizing agencies and verified by District Offices. Data is entered by individuals in District Offices and Headquarters and is audited by internal and external controls.
 - c. Data Limitations: Data are estimates based upon the date extracted as data entry in the CATS is a continuous process.
4. Percent of asset value returned to the fund:
- a. Data Definition: The number listed for "percent of asset value returned to the fund" signifies the total assets disposed within procedural timeframes.
 - b. Data Validation and Verification: Assets are recorded by seizing agencies and verified by District Offices. Data is entered by individuals in District Offices and Headquarters and is audited by internal and external controls.
 - c. Data Limitations: Data are estimates based upon the date extracted as data entry in the CATS is a continuous process.
5. Percent of All Other Assets disposed within procedural time frames:
- a. Data Definition: The number listed for "percent of all other assets disposed" signifies the total assets disposed within procedural timeframes

b. Data Validation and Verification: Data is an estimation based upon the date extracted as data entry in CATS is a continuous process.

c. Data Limitations: Data are estimates based upon the date extracted as data entry in the CATS is a continuous process.

6. Number of primary violent federal felony fugitives apprehended or cleared (RETIRED): *[The determination to delete, refine, or replace an existing measure was made to align with the USMS Strategic Plan, reflect DOJ priority performance goals, and demonstrate programmatic effectiveness given data limitations.]*

Data Definition: A primary violent federal felony fugitive is any individual that has a warrant where the offense code, or the original offense code (for those wanted for supervisory violations), is for Non-Negligent Homicide, Rape, Aggravated Assault, or Robbery, or if the fugitive has an arrest or conviction in their criminal history for any of these 4 crimes, or if the fugitive is designated by the DEA as a violent offender. Also, all sex offenses as defined in the Adam Walsh Child Protection and Safety Act of 2006 (AWA), as well as violations of sex offender registration laws, are considered violent crimes. All fugitives reported in this measure are the primary apprehension responsibility of the USMS.

7. Number of violent state and local felony fugitives apprehended or cleared (RETIRED): *[The determination to delete, refine, or replace an existing measure was made to align with the USMS Strategic Plan, reflect DOJ priority performance goals, and demonstrate programmatic effectiveness given data limitations.]*

A violent state and local felony fugitive is any individual that has a warrant where the offense code, or the original offense code (for those wanted for supervisory violations), is for Non-Negligent Homicide, Rape, Aggravated Assault, or Robbery, or if the fugitive has an arrest or conviction in their criminal history for any of these 4 crimes, or if the fugitive is designated by the DEA as a violent offender. Also, all sex offenses as defined in the AWA, as well as violations of sex offender registration laws, are considered violent crime. This measure includes violent felony state and local fugitives that were cleared in conjunction with state, local, and other federal law enforcement assistance through USMS-led task forces and warrant squads. These individuals are not wanted for federal charges.

8. Number of primary violent federal and violent non-federal felony fugitives apprehended or cleared per full cost Full-Time Equivalent (FTE) (RETIRED): *[The determination to delete, refine, or replace an existing measure was made to align with the USMS Strategic Plan, reflect DOJ priority performance goals, and demonstrate programmatic effectiveness given data limitations.]*

The total number of primary violent federal fugitives cleared, and state and local violent felony fugitives cleared through USMS-led task forces and warrant squads in a year, is divided by the full-cost FTEs identified in the fugitive apprehension decision unit. A full-cost FTE is comprised of two portions: the FTE associated with investigations and apprehension, and the prorated portion of overhead FTE that support the DUSMs. Overhead FTE (as in procurement, budget, management, human resources, and network support) is included so that the complete effort involved with fugitive apprehension is displayed.

9. Number of primary federal felony fugitives and state and local felony fugitives apprehended or cleared per full cost FTE (RETIRED): *[The determination to delete, refine, or replace an existing measure was made to align with the USMS Strategic Plan, reflect DOJ priority performance goals, and demonstrate programmatic effectiveness given data limitations.]*

A primary federal felony fugitive has a warrant(s) in which the USMS has primary apprehension responsibility. These include escapes from federal custody, supervisory violations, provisional warrants issued at the request

of foreign governments, warrants issued by other federal agencies that do not have arrest power, and other federal law enforcement agencies' warrants that are referred to the USMS for apprehension responsibility. A fugitive is considered cleared if the fugitive is arrested, has a detainer issued, or the warrant is dismissed. A state and local felony fugitive is a fugitive with a state or local felony warrant. The total number of primary federal felony fugitives cleared and state and local felony fugitives cleared through USMS-led task forces and warrant squads, in a year, is divided by the full-cost FTEs identified in the fugitive apprehension decision unit. A full-cost FTE is defined in measure 3.

10.a. Number of assets disposed (real property) (RETIRED): *[The determination to delete, refine, or replace an existing measure was made to align with the USMS Strategic Plan, reflect DOJ priority performance goals, and demonstrate programmatic effectiveness given data limitations.]*

The number of real property assets disposed each year is symptomatic of current national trends and real estate sales.

10.b. Number of assets disposed (cash) (RETIRED): *[The determination to delete, refine, or replace an existing measure was made to align with the USMS Strategic Plan, reflect DOJ priority performance goals, and demonstrate programmatic effectiveness given data limitations.]*

The number listed for "cash" signifies the total separate cash assets in USMS custody.

10.c. Number of assets disposed (other) (RETIRED): *[The determination to delete, refine, or replace an existing measure was made to align with the USMS Strategic Plan, reflect DOJ priority performance goals, and demonstrate programmatic effectiveness given data limitations.]*

"Other" assets include: businesses, business inventory, financial instruments, aircraft, jewelry, vessels, vehicles, and heavy machinery.

11. Percent of real property assets sold at 85% or more of its fair market value (RETIRED): *[The determination to delete, refine, or replace an existing measure was made to align with the USMS Strategic Plan, reflect DOJ priority performance goals, and demonstrate programmatic effectiveness given data limitations.]*

The percent of real property assets that sold for more than 85 percent of its fair market value is based on the total number of real property assets sold in the fiscal year. Sale prices are set based on market analysis with 30, 60, 90 day reviews with Contracting Officer's Technical Representative (COTR) ability to change sales price as needed in order to expedite the sale and lessen time in inventory.

12. Percent of real property assets disposed within one year of receipt of the forfeiture documentation (RETIRED): *[The determination to delete, refine, or replace an existing measure was made to align with the USMS Strategic Plan, reflect DOJ priority performance goals, and demonstrate programmatic effectiveness given data limitations.]*

The time frame set by the USMS for disposal of real property is 12 months (365 days) based on the best practices of the real estate industry.

13. Number of AWA investigations opened by full-time District SOICs (Sex Offender Investigation Coordinator) (RETIRED): *[The determination to delete, refine, or replace an existing measure was made to align with the USMS Strategic Plan, reflect DOJ priority performance goals, and demonstrate programmatic effectiveness given data limitations.]*

This measure includes all AWA investigations that reach the level of the Attorney General's Guidelines for Conducting Domestic Investigations.

14. Number of primary violent federal Felony and violent non-federal felony fugitives apprehended or cleared (RETIRED): *[The determination to delete, refine, or replace an existing measure was made to align with the USMS Strategic Plan, reflect DOJ priority performance goals, and demonstrate programmatic effectiveness given data limitations.]*

This measure combines measures 1 and 2 to provide the total of violent fugitives apprehended or cleared.

15. Number and Percent of primary federal felony fugitives apprehended or cleared (RETIRED): *[The determination to delete, refine, or replace an existing measure was made to align with the USMS Strategic Plan, reflect DOJ priority performance goals, and demonstrate programmatic effectiveness given data limitations.]*

The percent cleared is calculated by taking the number of cleared fugitives divided by the sum of received fugitives (fugitives that had a warrant issued during the fiscal year) and on-hand fugitives (fugitives that had an active warrant at the beginning of the fiscal year). Warrant and fugitive data is verified by a random sampling of NCIC records generated by the FBI. The USMS coordinates with district offices to verify that warrants are validated against the signed paper records. The USMS then forwards the validated records back to NCIC. This data is accessible to all districts and updated as new information is collected. There may be a lag in the reporting of data.

16. Number of USMS federal and egregious non-federal fugitives apprehended/cleared:

a. Data Definition: The number of federal fugitives apprehended/cleared plus the number of State and Local fugitives with an offense code of: homicide, kidnapping, sexual assault, robbery, assault, threats, arson, extortion, burglary, vehicle theft, dangerous drugs, sex offenses, obscenity, family offenses, obstructing the police, escape, obstruction of justice, weapon offenses, and/or crime against persons.

b. Data Validation and Verification: See federal fugitives (warrants) above. Prior to assigning state and local warrants, the Supervisory Deputy U.S. Marshal (SDUSM) or their designee is responsible for reviewing each case to verify that it meets the criteria above.

c. Data Limitations: See federal fugitives (warrants) above.

17. Number and Percent of federal fugitives apprehended/cleared:

a. Data Definition: The percent cleared is calculated by taking the number of cleared fugitives divided by the sum of received fugitives (fugitives that had a warrant issued during the fiscal year) and on-hand fugitives (fugitives that had an active warrant at the beginning of the fiscal year).

b. Data Validation and Verification: Warrant and fugitive data is verified by a random sampling of NCIC records generated by the FBI. The USMS coordinates with district offices to verify that warrants are validated against the signed paper records. The USMS then forwards the validated records back to NCIC.

c. Data Limitations: This data is accessible to all districts and updated as new information is collected. There may be a lag in the reporting of data.

B. Factors Affecting FY 2013 - FY 2014 Plans.

The ability of the USMS to keep pace with court operations, to include prisoner transportation, security, and productions, will directly impact the effectiveness of the fugitive apprehension initiatives. As long as the USMS receives adequate staffing for its judicial and

court security operations, there will be continued focus on fugitive investigation and apprehension. However, when resources are stretched beyond capacity, the USMS must often redirect its operational workforce and temporarily suspend or reduce fugitive investigations. In addition, funding restrictions may impact and prolong the time it takes to dispose of assets that are in USMS custody, and the ability to reduce violent crime through fugitive apprehension.

PERFORMANCE MEASURE TABLE												
Decision Unit: Fugitive Apprehension												
Performance Report and Performance Plan Targets		FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012**	FY 2013	FY 2014		
Performance Measure		Actual	Actual	Actual	Actual	Actual	Actual	Target	Target	Target		
Performance Measure	1. Number of Federal warrants cleared	N/A	N/A	N/A	N/A	N/A	N/A	N/A	42,432	43,281		
Performance Measure	2. Non-compliant Sex Offender Investigations	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1,370	1,383		
Performance Measure	3. Number of assets disposed	N/A	N/A	N/A	N/A	N/A	N/A	N/A	19,379	19,379		
Performance Measure	3a. Number of assets disposed (Cash)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	12,338	12,338		
Performance Measure	3b. Number of assets disposed (Complex Assets)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	4	4		
Performance Measure	3c. Number of assets disposed (All Other Assets)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	7,037	7,037		
Performance Measure	4. Percent of asset value returned to the fund *	N/A	N/A	N/A	N/A	N/A	N/A	N/A	75%	75%		
Efficiency Measure	5. Percent of All Other Assets disposed within procedural time frames *	N/A	N/A	N/A	N/A	N/A	N/A	N/A	60%	60%		
Performance Measure	6. Number of primary violent federal felony fugitives apprehended or cleared	12,500	12,644	18,836	22,366	18,879	18,256	14,545	17,431	Retired		
Performance Measure	7. Number of violent state and local felony fugitives apprehended or cleared	24,752	34,015	73,915	101,910	52,519	53,202	54,082	53,888	Retired		

PERFORMANCE MEASURE TABLE											
Decision Unit: Fugitive Apprehension											
Performance Report and Performance Plan Targets		FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012 **		FY 2013	FY 2014
Efficiency Measure		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
	8. Number of primary violent federal and violent non-federal felony fugitives apprehended or cleared per full cost FTE	27	31	66	89	38	45	39	40	39	Retired
Efficiency Measure	9. Number of primary federal felony fugitives and state and local felony fugitives apprehended or cleared per full cost FTE	65	68	81	94	69	88	73	69	73	Retired
Performance Measure	10. Number of assets disposed	17,599	18,262	19,245	19,325	19,065	19,322	19,270	20,664	19,379	Retired
Performance Measure	10.a Number of real property disposed	538	547	372	418	401	341	316	464	316	Retired
Performance Measure	10.b Number of cash assets disposed	10,693	11,137	12,872	12,723	11,995	12,435	12,740	13,074	12,338	Retired
Performance Measure	10.c Number of other assets disposed	6,368	6,578	6,001	6,184	6,669	6,546	6,214	7,126	6,725	Retired
Efficiency Measure	11. Percent of real property assets sold at 85% or more of its fair market value.	83%	76%	69%	57%	55%	73%	73%	73%	73%	Retired

PERFORMANCE MEASURE TABLE

Decision Unit: Fugitive Apprehension

Performance Report and Performance Plan Targets		FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012 **		FY 2013	FY 2014
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Efficiency Measure	12. Percent of real property assets disposed within one year of receipt of the forfeiture documentation.	82%	78%	68%	61%	60%	71%	71%	63%	67%	Retired
Performance Measure	13. Number of AWA investigations opened by full-time District SOICs (Sex Offender Investigation Coordinator)	N/A	N/A	N/A	N/A	N/A	N/A	1,305	1,650	1,370	Retired
Outcome Measure	14. Number of primary violent federal felony and violent non-federal felony fugitives apprehended or cleared	37,250	46,659	92,752	124,276	71,398	71,458	68,627	71,319	69,313	Retired
Outcome Measure	15. Percent of primary federal felony fugitives apprehended or cleared	54%	55%	55%	52%	50%	53%	52%	61%	52%	Retired
Outcome Measure	15. Number of primary federal felony fugitives apprehended or cleared	30,192	33,437	34,393	32,860	32,864	34,629	34,421	34,691	34,765	Retired
Outcome Measure	16. Number of USMS federal and egregious non-federal fugitives apprehended/cleared	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	122,910	125,368
Outcome Measure	17. Percent of federal fugitives apprehended/cleared *	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	58%	58%
Outcome Measure	17. Number of federal fugitives apprehended/cleared *	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	31,388	32,016

* Denotes inclusion in the DOJ Quarterly Status Reports.

** The FY 2010, FY 2011, and FY 2012 performance targets are lower because Operation FALCON was not conducted.

1. Performance, Resources, and Strategies

The Fugitive Apprehension decision unit contributes to the Department's Strategic Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law; and Strategic Goal 3: Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal, and International Levels. Within these goals, the decision unit's resources specifically address four of the Department's Strategic Objectives: Objective 2.1 - Combat the threat, incidence, and prevalence of violent crime; Objective 2.2 - Prevent and intervene in crimes against vulnerable populations; uphold the rights of, and improve services to, America's crime victims. The USMS supports this strategic objective by the location and apprehension of non-compliant sex offenders, and in the recovery of missing children ; Objective 3.1 - Promote and strengthen relationships and strategies for the administration of justice with state, local, tribal, and international law enforcement; and Objective 3.2 - Protect judges, witnesses, and other participants in federal proceedings; apprehend fugitives; and ensure the appearance of criminal defendants for judicial proceedings or confinement.

The USMS is authorized to investigate such fugitive matters, both within and outside the U.S., as directed by the Attorney General, although this authorization is not to be construed to interfere with or supersede the authority of other federal agencies or bureaus. The U.S. Marshals, when executing the laws of the U.S. within a state, may exercise the same powers that a sheriff of the state may exercise. This authority provides the U.S. Marshals with the tools of both a first-tier federal law enforcement officer and the state sheriff. The USMS therefore possesses the authority to enforce the *Fugitive Felon Act* and, as a result of its broad statutory authority, may assist state and local agencies in their fugitive missions even in the absence of interstate or other extra-jurisdictional flight.

a. Performance Plan and Report for Outcomes

As illustrated in the preceding *Performance and Resources Table*, a new one performance outcome measure for this decision unit is: "number of USMS federal and egregious non-federal felony fugitives apprehended or cleared." This includes physical arrest, directed arrest, surrender, dismissal, and arrest by another agency, when a federal fugitive is taken into custody on a detainment order, and warrants that are dismissed to the other cleared categories. It also includes targeted state and local fugitives with offenses involving: homicide, kidnapping, sexual assault, robbery, assault, threats, arson, extortion, burglary, home invasion, carjacking, drugs (manufacture, sale and distribution), sex offenses, obscenity, cruelty toward child/spouse, obstructing the police, flight (escape), weapon offenses, gang related crimes, crimes against persons, and obstructions of justice. The current measures focus on cases in which the USMS has held the primary arresting authority and cases that arguably have a greater impact on public safety, making them a priority of USMS fugitive apprehension efforts.

The actual performance in the number of assets disposed is largely dependent upon the number of assets seized and forfeited by the participants in the DOJ Asset Forfeiture Program (AFP). The USMS should have a proportionate number of assets in custody at the close of each fiscal year. The first performance measure is the number of assets disposed of in the following asset

categories: a) real property, b) cash, and c) other (i.e., businesses, business inventory, financial instruments, and personal property such as vehicles, vessels, aircraft and firearms). In FY 2012, the USMS was able to dispose of over 19,000 assets.

The second performance measure is the percent of real property assets sold at 85 percent or more of their fair market value. The target performance level was 73 percent in FY 2012; which the USMS met despite current national trends in depressed real estate sales. The third performance measure is the percent of real property assets disposed of within one year of receipt of the forfeiture documentation. The time frame set by the USMS for disposal of real property is 12 months (365 days) based on the best practices of the real estate industry. The target performance level was 71 percent in FY 2012, which the USMS was able to reach 63% due to a fluctuating real estate market and related economic factors.

b. Strategies to Accomplish Outcomes

The USMS anticipates a slight increase in the workload associated with agency investigative missions for FY 2014. In order to continue to accomplish the increased workload the USMS intends to maximize all assets directly impacting agency investigative missions. During FY 2009, the USMS, with guidance and direction from the DOJ Criminal Division, issued legal and investigative guidelines to investigate violations of the AWA. The USMS is establishing contacts with state and local law enforcement agencies and registering officials to coordinate efforts to identify, apprehend, and prosecute non-compliant sex offenders. The USMS is also coordinating its enforcement efforts with Interpol National Central Bureau in Washington, D.C. to identify sex offenders engaging in international travel to ensure they are in compliance with their registration.

The USMS has five permanent foreign field offices in Mexico City, Guadalajara, and Monterrey, Mexico; Kingston, Jamaica; and, Santo Domingo, Dominican Republic. The USMS also has criminal investigators positioned at the DOJ Office of International Affairs, Interpol – Washington, and the El Paso Intelligence Center (EPIC). In FY 2012, the USMS opened 835 international leads from 72 countries, and closed 953 leads from 54 countries. Further, the USMS conducted 927 international extraditions / deportations in FY 2012, from more than 70 countries worldwide. Of these, 322 fugitives were apprehended in Mexico, including USMS 15 Most Wanted fugitive Edward Salas. During FY 2012, the USMS participated in the latest Operation Infra-Red initiatives in Southeast Asia. The operation was a cooperative effort which combined the resources of Interpol, Crime Stoppers International, and numerous law enforcement agencies in Southeast Asia, including Thailand, Cambodia, Laos, Vietnam, and the Philippines.

The USMS is also responsible for approximately 90 percent of all Organized Crime Drug Enforcement Task Force (OCDETF) fugitive investigations. USMS OCDETF inspectors work diligently with district DUSMs and other law enforcement agencies to clear over 5,000 OCDETF warrants, bringing many drug-related and organized crime felons to justice.

In FY 2007, DOJ requested that the USMS conduct a comprehensive workforce evaluation to address current and future Asset Forfeiture Program (AFP) workforce needs. The analysis led to

a number of findings to “right size” the AFP workforce by recruiting highly skilled individuals to meet the increasing complexity of the assets managed and disposed of by the USMS. The USMS worked with DOJ to implement a number of these recommendations in FY 2009 - FY 2011. To date, some significant changes have been made, including the hiring of a team of contractors with financial, accounting and internal controls expertise, and the opening of the new Asset Forfeiture Academy and the deployment of the Business of Forfeiture course. The AFP has continued this commitment to training with 390 students attending courses at our Asset Forfeiture Academy in FY 2012.

c. Priority Goals

The USMS contributes to DOJ Priority Goal 4 Vulnerable People: Protect those most in need of help - with special emphasis on child exploitation and civil rights: By September 30, 2013, working with state and local law enforcement agencies, protect potential victims from abuse and exploitation by achieving a 5% increase for three sets of key indicators:

- Open investigations concerning non-compliant sex offenders, sexual exploitation of children, and human trafficking;
- Matters/investigations resolved concerning sexual exploitation of children and human trafficking; and
- Number of children in child pornography that are identified by the FBI.

Progress is reported quarterly. The USMS supports DOJ Priority Goal 4 by assisting state and local authorities to ensure the public safety through enforcement of the provisions of the AWA.

A. Prisoner Security and Transportation

Prisoner Security and Transportation TOTAL	Perm. Pos.	FTE	Amount
2012 Enacted	1,194	1,118	\$249,802
2013 Continuing Resolution	0	0	\$249,131
2013 Continuing Resolution 0.612% Increase	0	0	\$1,529
Base and Technical Adjustments	0	0	\$5,235
2014 Current Services	1,194	1,099	\$255,895
2014 Program Offsets	0	0	(\$1,729)
2014 Request	1,194	1,099	\$254,166
Total Change 2012-2014	0	(99)	\$4,564

Prisoner Security and Transportation – Information Technology Breakout (of Decision Unit Total)	Perm. Pos.	FTE	Amount
2012 Enacted	22	22	\$18,617
2013 Continuing Resolution	25	25	\$18,617
2013 Continuing Resolution 0.612% Increase	0	0	\$114
Adjustments to Base and Technical Adjustments	0	0	\$393
2014 Current Services	25	25	\$19,124
2014 Program Offsets	0	0	(\$714)
2014 Request	25	25	\$18,410
Total Change 2012-2014	3	3	(\$277)

1. Program Description

Prisoner Security and Transportation is a complex and multi-layered function, both in scope and execution. Currently, there are over 60,000 prisoners in USMS custody per day. Every detainee that comes into USMS custody must be processed by a DUSM. This includes securing the cellblock area; processing prisoners in the cellblock (prisoner intake); locating confinement that is safe, secure, and humane; transporting prisoners (by ground or air); and, inspecting jails used to house federal detainees. Processing also includes interviewing the prisoner to gather personal, arrest, prosecution, and medical information; fingerprinting and photographing the prisoner; preparing an inventory of any received prisoner property; entering/placing the data and records into the Justice Detainee Information System (JDIS) and the prisoner file; and, sending the electronic fingerprint information to the FBI Integrated Automated Fingerprint Identification System (IAFIS). The USMS tracks prisoners primarily in JDIS from the point a prisoner is received until released from USMS custody or sentenced to the federal Bureau of Prisons (BOP) for service of sentence.

The cellblock is the secured area for holding prisoners in the courthouse before and after they are scheduled to appear in their court proceedings. DUSMs follow strict safety protocols in the cellblocks to ensure the safety of USMS employees and all members of the judicial process, including prisoners. A minimum of two DUSMs are required to be present when cells are unlocked or entered, when prisoners are moved into or out of the cellblock or holding cell areas, when prisoners of the opposite sex are being handled, or when meals are being served. Female a

and juvenile prisoners must be separated by sight and sound from adult male prisoners within the cellblock. While in the cellblock, DUSMs must observe the prisoners at least every thirty minutes and must count them every eight hours. DUSMs minimize the amount of time that prisoners exhibiting violent behavior or signs of possible drug overdose, severe mental disorder, or suicidal tendencies are held in the cellblock and closely monitor them during that time. DUSMs also provide meals to prisoners if held in the cellblock during normal lunch or dinner hours. Prior to entrance into the cellblock, DUSMs search prisoners and their belongings to ensure that prisoners and their property are free of contraband.

The USMS is also responsible for transporting prisoners to and from judicial proceedings. This involves an enormous amount of coordination/scheduling to ensure that the courts' needs are met and that prisoners are moved in a safe and timely manner. Some jails agree to transport prisoners to and from the courthouse at specified rates through Intergovernmental Agreement (IGA) for guard services while others are transported by the USMS operational personnel and contract guards. DUSMs arrange with jails to prepare prisoners for transport, search prisoners prior to transport, and properly restrain prisoners during transportation.

In addition, the USMS is responsible for transporting prisoners between detention facilities for attorney visits, to medical appointments when necessary, and to a designated Bureau of Prisons (BOP) facility after sentencing. As prisoners progress through their court proceedings, districts often move prisoners from one detention facility to another. This is done for a variety of reasons: to locate a prisoner closer to or farther from the courthouse, to accommodate the housing limitations at detention facilities, to take advantage of lower-cost jails which may be further from the courthouse, to place prisoners at facilities better equipped to deal with any medical requirements, or to remove a prisoner from other prisoners due to conflict or litigation concerns with other prisoners. When prisoners are wanted in more than one district, the USMS is responsible for transporting prisoners to the requesting district upon completion of the court process in the home district.

Receiving prisoners into custody, processing them through the cellblock, and transporting them are labor-intensive activities. Producing prisoners for court and detention related activities requires the USMS to coordinate with the U.S. Courts, Probation and Pretrial Service Offices, BOP, U.S. Attorneys (USA), and a variety of law enforcement agencies.

To ensure that prisoners are being confined securely and humanely, DUSMs conduct annual inspection of all active IGA facilities. Additionally, inspections are required before the USMS enters into an IGA with a facility to house prisoners or upon completion of major changes in operations or physical structure of any facility already being used. Detention facility inspections enable the districts and headquarters to identify problem areas early and identify facilities that provide the best value. The USMS established the Conditions of Confinement Program to ensure the safe and humane confinement of federal detainees and to protect their statutory and constitutional rights. There are Detention Facility Inspectors in each district that receive Conditions of Confinement training to ensure that these objectives are met.

2. Performance Tables

PERFORMANCE AND RESOURCES TABLE									
Decision Unit: Prisoner Security and Transportation									
DOJ Strategic Goal/Objective 3.2 Protect judges, witnesses, and other participants in federal proceedings; apprehend fugitives; and ensure the appearance of criminal defendants for judicial proceedings or confinement; and Objective 3.3 Provide for the safe, secure, humane, and cost-effective confinement of detainees awaiting trial and/or sentencing, and those in the custody of the federal prison system									
RESOURCES									
	Final Target		Actual	Projected		Changes		Requested (Total)	
	FY 2012		FY 2013	FY 2013		FY 2014 Program Changes		FY 2014 Request	
1. Average daily prisoner population **, **	62,561		60,846	62,374		-243		62,131	
2. Number of USMS Federal District prisoners received	223,715		223,032	229,708				Retired	
3. Number of DC Superior Court prisoners received	64,603		55,000	66,977				Retired	
4. Number of USMS Federal District prisoner productions	975,281		983,145	903,026				Retired	
5. Number of DC Superior Court prisoner productions	77,510		85,984	72,180				Retired	
Total Costs and FTE									
(reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)									
	FTE		FTE	FTE	FTE	FTE	FTE	FTE	FTE
	1,178	\$249,802 [\$1,509,112]	1,118 \$246,859 [\$1,509,112]	1,099	\$249,131 [\$1,509,140]	0	\$5,035 [\$1,509,140]	1,099	\$254,166 [50]
PERFORMANCE									
TYPE/ STRATEGIC OBJECTIVE	FY 2012		FY 2013	FY 2013		Current Services Adjustments and FY 2014 Program Changes		FY 2014 Request	
Program Activity	FTE		FTE	FTE	FTE	FTE	FTE	FTE	FTE
	1,178	\$249,802 [\$1,509,112]	1,015 \$246,859 [\$1,509,112]	1,099	\$249,131 [\$1,509,140]	0	\$5,035 [\$1,509,140]	1,099	\$254,166 [50]
Performance Measure:	1. Number of Monitoring reviews completed for active IGAs		Establishing baseline				To be developed in FY 2013		
Outcome Measure:									
Performance Measure:	2. Total Prisoner Productions		N/A				10,350		
Outcome Measure:			0		0		Retired		
Performance Measure:	3. Number of prisoner escapes from USMS custody outside of the courtroom		0		0				
Outcome Measure:									
Performance Measure:	4. Average Detention Unit (housing, medical, and in-unit transportation) **, **		N/A				50		
Outcome Measure:							\$77.39		
* Denotes inclusion in the DOJ Quarterly Status Reports									
** Reported also by OEDT. Current funding provided from OEDT via reimbursable agreement will become part of the USMS Federal Detention Appropriation									

A. Data Definition, Validation, Verification, and Limitations:

Note: Indicators labeled as 'RETIRED' will be discontinued in FY 2014.

1. Average Daily Prisoner Population:

- a. Data Definition: Average Daily Prisoner Population is calculated on a per capita, per day basis.
- b. Data Validation and Verification: Data is maintained by the Justice Detainee Information System (JDIS). Monthly data from JDIS relating to paid detention beds is verified each month by completing a comparison, by district, between obligation data being reported out of FMS and prisoner program data reported from JDIS. Monthly data from JDIS relating to federal beds.
- c. Data Limitations: Limited by the timely entry of prisoner data into JDIS.

2. Number of USMS federal District prisoners received (RETIRED): *[The determination to delete, refine, or replace an existing measure was made to align with the USMS Strategic Plan, reflect DOJ priority performance goals, and demonstrate programmatic effectiveness given data limitations.]*

Number of prisoners taken into USMS custody. Total prisoners received includes the USMS District counts but excludes DC Superior Court counts (convicted and sentenced felons between designation and removal at the DC Superior Court).

3. Number of DC Superior Court prisoners received (RETIRED): *[The determination to delete, refine, or replace an existing measure was made to align with the USMS Strategic Plan, reflect DOJ priority performance goals, and demonstrate programmatic effectiveness given data limitations.]*

Number of DC Superior Court prisoners received is the number of prisoners taken into custody by the DC Superior Court. This data includes convicted (and sentenced) felons between designation and removal.

4. Number of USMS federal District prisoner productions (RETIRED): *[The determination to delete, refine, or replace an existing measure was made to align with the USMS Strategic Plan, reflect DOJ priority performance goals, and demonstrate programmatic effectiveness given data limitations.]*

Number of times prisoners are produced for judicial proceedings, meetings with attorneys, or transported for medical care, between offices and between detention facilities. Total prisoners produced data includes the USMS District counts but does not include DC Superior Court counts.

5. Number of DC Superior Court prisoner productions (RETIRED): *[The determination to delete, refine, or replace an existing measure was made to align with the USMS Strategic Plan, reflect DOJ priority performance goals, and demonstrate programmatic effectiveness given data limitations.]*

Number of times prisoners are produced for judicial proceedings, meetings with attorneys, or transported for medical care, between offices and between detention facilities. This data includes convicted (and sentenced) felons between designation and removal.

Performance Measures:

1. Number of Monitoring reviews completed for active IGAs:
 - a. Data Definition: Monitoring Reviews completed by USMS for facilities used by the USMS to house prisoners.
 - b. Data Validation and Verification: Each year USMS personnel run reports comparing the facilities that should be inspected to those that were inspected.
 - c. Data Limitations: All limitations depend on the database that is created to track inspections.
2. Total Prisoner Productions:
 - a. Data Definition: Total prisoners produced data comprehends both the USMS District counts and DC Superior Court counts, and includes the number of times prisoners are produced for judicial proceedings, meetings with attorneys, or transported for medical care, between offices and between detention facilities.
 - b. Data Validation and Verification: USMS District data is maintained by the Justice Detainee Information System (JDIS). DC Superior Court data is maintained by a locally managed database and is updated daily. Please note DC Superior Court will be transitioning to JDIS in the near future.
 - c. Data Limitations: Limited by the timely entry of prisoner data into JDIS and DC Superior Court's database, as appropriate. For DC Superior Court, more than 95% of prisoner productions that occur each day are entered into the system on the same day they occur.
3. Prisoner escapes from USMS custody outside of the courtroom (RETIRED): *(The determination to delete, refine, or replace an existing measure was made to align with the USMS Strategic Plan, reflect DOJ priority performance goals, and demonstrate programmatic effectiveness given data limitations.)*

Includes escapes made during the following times: while being transported (for court productions, medical visits, moves between sub-offices or detention facilities), while being held in the cellblock area waiting for the court procedure, and while meeting with attorneys.
4. Average Detention Cost (Housing, Medical, and In-District Transportation):
 - a. Data Definition: Total detention costs represent the aggregation of paid jail costs and health care costs on a per capita, per day basis.
 - b. Data Validation and Verification: Data reported is validated and verified against monthly reports describing district-level jail utilization and housing costs prepared by the USMS. In accordance with generally accepted accounting principles, the USMS routinely monitors its financial data for new obligations and de-obligations.
 - c. Data Limitations: Maintaining prisoner movement data is a labor-intensive process. The reliability of the reported data is often compromised by time lags between the actual movement of prisoners and data entry of those events into the Prisoner Tracking System (PTS). Accordingly, it is often necessary to delay reporting of official statistics several weeks to ensure that prisoner movement records have been properly updated. Data reported reflect the anticipated cost of services provided to USMS prisoners. In the event that the actual cost is different from the anticipated cost, additional funds may need to be obligated or obligated funds,

de-obligated. Because of the time lag between the rendering of services and the payment of invoices, several weeks may lapse before the actual cost of health care services provided to an individual prisoner can be dispositively determined.

B. Factors Affecting FY 2013 - FY 2014 Plans.

Zero tolerance prosecutorial initiatives along the Southwest Border continue to increase USMS workload. It is critical that the USMS operates effectively and efficiently to provide the highest possible security for the federal judicial process. DUSMs are the functional backbone of the agency because they provide direct service to the federal courts. Many of these prisoners are violent and/or have extensive criminal histories. DUSMs must produce them for various proceedings on a daily basis in order to ensure the smooth operation of the federal judicial process.

PERFORMANCE MEASURE TABLE												
Decision Unit: Prisoner Security and Transportation												
Performance Report and Performance Plan Targets		FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011**	FY 2012		FY 2013	FY 2014	
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target	
Outcome Measure	1. Number of Monitoring reviews completed for active IGAs									To be developed	To be developed	
Outcome Measure	2. Total Prisoner Productions	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	975,208	985,558	
Outcome Measure	3. Number of prisoner escapes from USMS custody, outside of the courtroom	1	0	0	1	3	3	0	0	0	Retired	
Outcome Measure	4. Average Detention Cost (Housing, Medical, and In-District Transportation) *	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$83.42	\$85.44	
* Denotes inclusion in the DOJ Quarterly Status Reports												

3. Performance, Resources, and Strategies

The Prisoner Security and Transportation decision unit supports the Department's Strategic Goal 3: Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal, and International Levels. Within this goal, the resources specifically address DOJ Strategic Objective 3.2 - Protect judges, witnesses, and other participants in federal proceedings, and ensure the appearance of criminal defendants for judicial proceedings or confinement and DOJ Strategic Objective 3.3 - Provide for the safe, secure, humane, and cost-effective confinement of detained persons awaiting trial and/or sentencing, and those in the custody of the federal Prison System.

The USMS maintains the integrity of the federal judicial system by maintaining the custody, protection, and security of prisoners and ensuring that criminal defendants appear for judicial proceedings. Efficient management of detention resources necessitates that the USMS continuously analyze the courts' need for prisoners in relation to detention facility location and cost. This evaluation results in prisoners strategically being moved to various detention facilities as their cases progress through the judicial process. Prisoners are moved to closer facilities when they are more often needed to appear for court (for example, pretrial prisoners). Prisoners are moved to more distant facilities (which are often less costly) as their need to appear in court decreases. Throughout this process the USMS must annually review utilized detention facilities to ensure that conditions of confinement are humane and provide adequate security.

a. Performance Plan and Report for Outcomes

As illustrated in the preceding Performance and Resources Table, the current performance outcome measure for this decision unit is the number of prisoner escapes from USMS custody outside of the courtroom, which will be terminated at the end of FY 2012 and replaced by the Average Detention Cost, a better measure of efficiencies in the detention program.

In FY 2011, there were three prisoner escapes; all three were quickly recaptured. For FY 2012, there have been two escape attempts from outside the courtroom (both during transport).

By continuously analyzing the courts' schedule, the USMS must balance housing and transportation costs against prisoner availability for court. Efficient management of detention resources necessitates moving prisoners who are no longer required for court into outlying, less costly jails and bringing those needed for court closer in, thereby reducing transportation costs. This constant shifting of prisoners between detention facilities yields efficiencies in the average detention-cost performance measure.

Beginning in FY 2013 and FY 2014, the USMS will change the targets to the Average Daily Population in USMS custody and the number of monitoring reviews that are completed for active IGAs. Since a system to capture the number of monitoring reviews is still in development, the USMS will not identify targets for this measure until FY 2014.

b. Strategies to Accomplish Outcomes

To efficiently secure and transport prisoners, USMS personnel must work closely with many other agencies, such as:

- U.S. Courts personnel to determine which prisoners are required for appearances;
- BOP personnel to arrange for prisoner designation and transportation after sentencing;
- U.S. Border Patrol, FBI, DEA, ATF, and other federal, state, and local agency personnel to arrange for initial appearances, custody transfer, and booking; and
- Detention facility personnel to arrange for prisoners to be ready for transport as needed.

D. Protection of Witnesses

Protection of Witnesses TOTAL	Perm. Pos.	FTE	Amount
2012 Enacted	207	193	\$34,509
2013 Continuing Resolution	207	189	\$34,509
2013 Continuing Resolution 0.612% Increase	0	0	\$211
Base and Technical Adjustments	0	0	\$845
2014 Current Services	207	189	\$35,565
2014 Program Offsets	0	0	(\$96)
2014 Request	207	189	\$35,469
Total Change 2012-2014	0	(4)	\$960

Protection of Witnesses – Information Technology Breakout (of Decision Unit Total)	Perm. Pos.	FTE	Amount
2012 Enacted	3	3	\$2,539
2013 Continuing Resolution	3	3	\$2,539
2013 Continuing Resolution 0.612% Increase	0	0	\$16
Adjustments to Base and Technical Adjustments	0	0	\$99
2014 Current Services	3	3	\$2,654
2014 Program Offsets	0	0	(\$11)
2014 Request	3	3	\$2,643
Total Change 2012-2014	0	0	\$104

1. Program Description

The **Protection of Witnesses** is managed by the Witness Security Program (WSP) which was established by the Organized Crime Control Act of 1970 and amended by the Comprehensive Crime Control Act of 1984. This program provides protection for government witnesses whose lives are threatened as a result of their testimony against drug traffickers, terrorists, organized crime members, and other major criminals. The WSP provides physical security during the trial proceedings as well as assistance to create new identities and relocate witnesses and their families after the trial. Although it was initially established in the 1970s to protect witnesses against Mafia organizations, the WSP was later expanded to include witnesses against drug traffickers. After the bombing of the World Trade Center in 1993, the WSP was again expanded to include witnesses testifying against terrorist organizations.

Three DOJ components work collaboratively to administer the WSP. The Criminal Division's Office of Enforcement Operations (OEO) authorizes the entry of witnesses into the program. The Bureau of Prisons (BOP) protects witnesses incarcerated in federal prison facilities. The USMS protects civilian witnesses and their families, relocates them to a secure location, provides them with new identities, and assists them with housing, medical care, job training, and employment until the participants become self-sufficient.

Two different appropriations fund the USMS portion of the WSP. The USMS Salaries and Expenses (S&E) appropriation funds the salaries, benefits, and the day-to-day operating expenses (such as utilities, supplies, and equipment) for USMS personnel who administer the WSP. The Fees and Expenses of Witnesses (FEW) appropriation funds the expenses related to witness subsistence and

relocation, vehicles for WSP DUSMs, travel for WSP DUSMs accompanying witnesses, and maintenance/repair of safe sites.

Since the inception of the WSP, more than 8,500 witnesses and over 9,900 family members have participated in the Program. The successful operation of this program is widely recognized as providing a unique and valuable tool in the government's war against organized crime, drug cartels, violent criminal gangs, and terrorist groups.

In both criminal and civil matters involving protected witnesses, the USMS fully cooperates with local law enforcement and court authorities in bringing witnesses to justice or in having them fulfill their legal responsibilities. No program participant who follows security guidelines has ever been harmed by the individuals or organizations they testified against while under the protection of the USMS.

2. Performance Tables

PERFORMANCE AND RESOURCES TABLE										
Decision Unit: Protection of Witnesses DOJ Strategic Goal/Objective 3.2: Protect judges, witnesses, and other participants in federal proceedings; apprehend fugitives, and ensure the appearance of criminal defendants for judicial proceedings or confinement										
RESOURCES		Final Target		Actual		Projected		Changes		Requested (Total)
		FY 2012		FY 2012		FY 2013		Current Services Adjustments and FY 2014 Program Changes		FY 2014 Request
1. Total number of witness security program participants		18,483		18,457		18,535		111		18,646
2. New witnesses received		150		76		150				Retired
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)										
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FTE		FTE		FTE		FTE		FTE
		203	\$34,509 (\$2,500)	189	\$33,565 (\$2,500)	189	\$34,720 (\$2,500)	1	\$749 [50]	190 (\$2,500)
Program Activity	Protection of Witnesses	FTE		FTE		FTE		Current Services Adjustments and FY 2014 Program Changes		FY 2014 Request
		203	\$34,509 (\$2,500)	189	\$33,565 (\$2,500)	189	\$34,720 (\$2,500)	1	\$749 [50]	\$35,469 (\$2,500)
Performance Measure: Output	1. Protective services required/provided for witnesses (includes court productions)		N/A		N/A		5,640		56	5,696
Performance Measure: Output	2. Number of protected witness productions		2,000		1,943		2,400			Retired
Performance Measure: Outcome	3. Assaults against funded protected federal witnesses		0		0		0			Retired
Performance Measure: Outcome	4. Security breaches mitigated *		N/A		N/A		410		4	414

* Denotes inclusion in the DOJ Quarterly Status Reports.

A. Data Definition, Validation, Verification, and Limitations:

Note: Indicators labeled as 'RETIRED' will be discontinued in FY 2014.

Workload:

1. Total number of witness security program participants:
 - a. Data Definition: Total Witness Security Program participants are the total number of participants, including immediate family members, currently in the program.
 - b. Data Validation and Verification: Case management provides data on a monthly basis.
 - c. Data Limitations: Case management ensures the accuracy of data submitted to headquarters.
2. New witnesses received (RETIRED): *[The determination to delete, refine, or replace an existing measure was made to align with the USMS Strategic Plan, reflect DOJ priority performance goals, and demonstrate programmatic effectiveness given data limitations.]*

New witnesses received are the number of witnesses accepted into the Witness Security Program (WSP).

Performance Measures:

1. Protective services required/provided for witnesses (includes court productions):
 - a. Data Definition: Protected services required/provided for witnesses is defined as witness productions, prisoner witness transports, prisoner witness family visits, preliminary interviews, temporary relocations, documentation initiations, documentation services (delivery-other), and breach investigations.
 - b. Data Validation and Verification: Regional managers ensure the accuracy of data submitted to headquarters.
 - c. Data Limitations: Witness Security Division (WSD) Regions provides data to headquarters on a monthly basis.
2. Number of protected witness productions (RETIRED): *[The determination to delete, refine, or replace an existing measure was made to align with the USMS Strategic Plan, reflect DOJ priority performance goals, and demonstrate programmatic effectiveness given data limitations.]*

A witness production is defined as travel of a protected witness away from the relocation area for court testimony, non-court related travel, video teleconferencing, neutral sites, child visitations, and documentation productions.
3. Assaults against funded protected federal witnesses (RETIRED): *[The determination to delete, refine, or replace an existing measure was made to align with the USMS Strategic Plan, reflect DOJ priority performance goals, and demonstrate programmatic effectiveness given data limitations.]*

The number of assaults against funded protected federal witnesses reflects the number of attacks on witnesses authorized for program

participation that are receiving subsistence and housing expenses.
4. Security breaches mitigated: <ul style="list-style-type: none">a. Data Definition: An action taken to mitigate a reported or detected event capable of compromising a protected witness' identity, location or general security.b. Data Validation and Verification: Validation occurs when the actions taken have been documented, reviewed, and approved. Verification occurs when internal audits are conducted to identify the efficiency and effectiveness of the actions taken.c. Data Limitations: The total number of security breaches is dependent upon the number of breaches reported or detected. Actions to mitigate the security breaches only occur when security breaches are detected or reported. A substantial number of security breaches are believed to be unreported or undetected.
B. Factors Affecting FY 2013 - FY 2014 Plans.
The increase in high-threat trials involving gang members has increased the number of WSP participants who have gang affiliation. This trend is expected to continue as the Administration's priorities continue to focus on anti-gang enforcement. The projected increase is driven by anticipated growth in Southwest Border immigration, anti-gang, and anti-terrorism enforcement activities. There has been a recent increase in high-threat trials involving gang members who have affiliations with the criminal enterprises run by the Mexican drug cartels.

3. Performance, Resources, and Strategies

The Protection of Witnesses decision unit supports the Department's Strategic Goal 3: Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal, and International Levels. Within this goal, the resources specifically address DOJ Strategic Objective 3.2 - Protect judges, witnesses, and other participants in federal proceedings; apprehend fugitives; and ensure the appearance of criminal defendants for judicial proceedings or confinement.

a. Performance Plan and Report for Outcomes

As illustrated in the preceding Performance and Resources Table, a performance outcome measure for this decision unit is the number of assaults against protected federal witnesses. This measure reflects the number of attacks on witnesses authorized for program participation that are receiving subsistence and housing expenses. In FY 2012, there were no assaults, continuing the USMS' unblemished record for witness security.

b. Strategies to Accomplish Outcomes

The funding is necessary to ensure that critical protective services are provided to protected witnesses testifying in direct support of significant DOJ prosecutorial efforts against organized crime, international drug trafficking organizations, violent street gangs and international terrorist groups. The USMS continues to examine Witness Security Program methodologies to insure that effective protection and security services are provided to protected witnesses and authorized participants while also exercising cost efficiencies. The USMS is confident in its ability to successfully execute within the FY 2014 budget request for the number of protected witness productions targeted. However, it should be noted that Witness Security Division workload supporting these DOJ prosecutorial efforts is driven by factors outside the control of the USMS. The number, frequency, and duration of court productions and other WSP activities supporting DOJ prosecutions are sometimes unpredictable and often largely uncontrollable.

E. Tactical Operations

Tactical Operations	Direct Pos.	Estimate FTE	Amount
2012 Enacted	177	163	\$37,547
2013 Continuing Resolution	177	160	\$37,547
2013 Continuing Resolution 0.612% Increase	0	0	\$230
Base and Technical Adjustments	0	0	\$7,093
2014 Current Services	177	160	\$44,870
2014 Program Offsets	0	0	(\$561)
2014 Request	177	160	\$44,309
Total Change 2012-2014	0	(3)	\$6,762

Tactical Operations-Information Technology Breakout (of Decision Unit Total)	Direct Pos.	Estimate FTE	Amount
2012 Enacted	3	3	\$2,539
2013 Continuing Resolution	3	3	\$2,539
2013 Continuing Resolution 0.612% Increase	0	0	\$16
Adjustments to Base and Technical Adjustments	0	0	\$69
2014 Current Services	3	3	\$2,624
2014 Program Offsets	0	0	(\$312)
2014 Request	3	3	\$2,312
Total Change 2012-2014	0	0	(\$227)

1. Program Description

The **Tactical Operations** decision unit includes special operations, emergency management and crisis services, strategic technology, and security programs.

Special Operations

For more than 35 years, the USMS Special Operations Group (SOG) has supported the DOJ and other government agencies with a highly-trained, rapidly-deployable force of law enforcement officers for tactical response. SOG is a unit of 80-100 volunteer DUSMs who must meet high qualification standards and complete rigorous training in specialties such as high-risk entry, explosive breaching, sniper/observer, rural operations, evasive driving, less-than-lethal munitions, waterborne operations, and tactical medical support. SOG supports all 94 U.S. judicial districts by providing assistance in high-risk, sensitive law enforcement operations including protective details, national emergencies, civil disturbances, and national disasters. Due to the extensive training of SOG members, the unit is often called upon to train military, federal, state, local, and foreign law enforcement groups in various tactical specialties.

Based at Camp Beauregard, Louisiana, a major staging area for Federal Emergency Management Agency (FEMA) disaster response in the Southeast and a geographically central location for domestic operations, the Special Operations Group Tactical Center (SOGTC) is able to provide a rapid response throughout the country. From this base, SOG deploys its fleet of armored vehicles, specialized equipment and tactical operators in support of domestic USMS operations such as the 15 Most Wanted Fugitive Program investigations, fugitive task forces, terrorist trials and other high-threat or high-profile judicial proceedings, motorcade protection for high-value individuals, and

execution of court orders relating to the seizure of assets belonging to militia groups, domestic terrorist groups, and other anti-government organizations.

The USMS is specifically relied upon to conduct national security operations on behalf of various U.S. government entities due to its broad authority and jurisdiction. SOG is selected due to the sensitive, covert nature of these missions requiring elevated security clearances and specific training, equipment and tactical assets.

The USMS also participates in international Stabilization and Reconstruction programs, working closely with DOJ, DoD, and Department of State personnel in support of Operation Enduring Freedom. SOG provides training and advice to the Counter Narcotics Justice Center in Afghanistan. SOG also provides technologically-advanced security equipment and programs to improve judicial and witness security, helping to lay the foundation for a more effective judicial system and assisting in the stabilization of the government of Afghanistan.

Emergency Management

The USMS regularly responds to national emergencies and domestic crises with a cadre of resources. All USMS operational missions that fall into this category are coordinated through the USMS Communications Center and the Emergency Operations Center (EOC). The Communications Center operates 24 hours-a-day, 7 days-a-week to ensure inter-agency and intra-agency flow of communication. The Center provides informational assistance to DUSMs in the field who are tracking fugitives, developing leads, and confirming warrants. The Center also has the ability to receive, track, and disseminate classified information relevant to the USMS. All significant incidents such as shootings in the line of duty, employee injury or death, assaults/attempted assaults of an individual under USMS protection, deaths of prisoners in USMS custody, escapes of federal prisoners, major arrests, and district emergencies are reported to the Center. The Center then notifies the appropriate personnel and districts and ensures that the proper action is taken.

The EOC is activated during emergency incidents involving a coordinated agency-wide response, including with participation from SOG. This includes responses under the federal government's National Response Framework. The EOC is a critical element to ensure coordination and oversight of USMS deployments during emergencies, particularly when other government agencies are also involved.

A. Data Definition, Validation, Verification, and Limitations:

Note: Indicators labeled as 'RETIRED' will be discontinued in FY 2014.

Performance Measures:

1. Number of high-threat and emergency situations supported through special operations and assignments:
This represents the number of times a special occurrence or event happened where special operations and assignment resources and/or staff were deployed in response.
2. Percentage of deployments of special operations/assignments staff or resources before a planned event or within 48 hours of an unforeseen emergency (RETIRED): *[The determination to delete, refine, or replace an existing measure was made to align with the USMS Strategic Plan, reflect DOJ priority performance goals, and demonstrate programmatic effectiveness given data limitations.]*
The USMS strives for a consistent timely response to unforeseen emergencies and planned events. The percentage of deployments applies in cases where the request for assistance reaches headquarters at least 48 hours prior to the beginning of the planned event.

B. Factors Affecting FY 2013 - FY 2014 Plans.

Special Operations

This request reflects an anticipated increase in high-threat trials, including those involving terrorists and gang members to ensure additional SOG deployments necessary for district security. In addition, SOG anticipates increased participation in Regional Fugitive Task Forces across the country, especially in relation to the apprehension of non-compliant sex offenders as defined in the AWA. Additional high-profile prosecutions are also expected in housing and mortgage fraud-related cases. SOG DUSMs also respond to emergency situations caused by natural disasters, including weather-related incidents and provide support during national security and other high-profile events such as the Republican and Democratic Conventions and Presidential Inauguration. Furthermore, SOG expects increased support involving the growing violence along the Southwest Border.

Southwest Border Initiatives:

Increased efforts by the U.S. Immigration and Customs Enforcement (ICE) to secure the borders and to address the related crime issues, such as human trafficking, have resulted in an increased workload for USMS districts along the Southwest Border. The arrests made often lead to complex prosecutions of individuals entrenched in criminal organizations. Such trials require added protective measures which include a tactical response. Federal courthouses can become sites of violent protests which may cause incidents of domestic terrorism. In these situations, SOG is well suited to protect the federal courts by providing tactical support for the movement

of high-threat, high-profile prisoners and witnesses to and from court proceedings. SOG is also a quick-reaction force during high-threat trials and high-risk motorcades.

Fugitive Apprehension:

With the enactment of the AWA, the apprehension of child predators and sex offenders has become an important new mission area. A percentage of wanted child predators and sex offenders will be deemed high-profile, high-risk fugitives. When there is a need for tactical resources the USMS partners with state and local law enforcement organizations as well as SOG to apprehend these individuals. Removing violent fugitives off the nation's streets continues to be a top priority for the USMS. As task force workload grows, the need for specialized tactical support also grows to ensure that officer and public safety is maintained.

PERFORMANCE MEASURE TABLE											
Decision Unit: Tactical Operations											
Performance Report and Performance Plan Targets		FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012		FY 2013	FY 2014
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Performance Measure	1. Number of high-threat and emergency situations supported through special operations and assignments	46	59	51	62	60	59	73	52	58	59
Outcome Measure	2. Percentage of deployments of special operations/assignments staff or resources before a planned event or within 48 hours of an unforeseen emergency	100%	100%	100%	100%	100%	100%	100%	100%	100%	Retired

2. Performance, Resources, and Strategies

The Tactical Operations decision unit supports the Department's Strategic Goal 3: Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal, and International Levels. Within this Goal, the decision unit's resources specifically address one of the Department's Strategic Objective: 3.2 - Protect judges, witnesses, and other participants in federal proceedings; apprehend fugitives; and ensure the appearance of criminal defendants for judicial proceedings or confinement.

a. Performance Plan and Report for Outcomes

The USMS strives to provide effective assistance to all levels of government during emergencies and disasters and at times of heightened law enforcement requirements. The USMS is able to deploy its DUSM workforce to any national emergency designated by the Attorney General. The USMS also successfully protects the Strategic National Stockpile, continues to advance its ability to respond to an emergency by instituting the Continuity of Operations Plan / Continuity of Government (COOP)/COG programs, and has participated in several national interagency training exercises. Government authority and continuity of operation of the federal justice system must be maintained during emergencies. Professionalism of the USMS will increase through standardization of tactical operations, improved operational data management, and a reduction of negative audit findings.

b. Strategies to Accomplish Outcomes

The USMS deploys personnel and equipment in support of extraordinary district requirements, ensuring adequate resources are provided to maintain the integrity of the judicial process. The USMS will attempt to: improve its capability to deploy personnel and equipment in response to terrorist acts, natural disasters, and other external missions directed by the Attorney General; maintain operational readiness for efficient movement of people and equipment; and coordinate efforts and increase communication lines between the Strategic National Stockpile Security Operations Unit and the Centers for Disease Control and Prevention to insure adequate dissemination of intelligence information to thwart or respond to terrorist activities. These strategies are supported by the stated levels of Full-Time Equivalent and personnel and any reduction in either will negatively impact projected performance measures.

V. Program Increases by Item

No Program Increases are provided.

VI. Program Offsets by Item

A. Item Name Information Technology Savings

Budget Decision Units: Judicial and Courthouse Security
 Fugitive Apprehension
 Prisoner Security and Transportation
 Protection of Witnesses
 Tactical Operations

Strategic Goal(s) & Objective(s): DOJ Strategic Goal III, Objectives 3.2 and 3.3

Organizational Program: U.S. Marshals Service

Component Ranking of Item: 1

Program Reduction: Positions 0 Agt/Atty 0 FTE 0 Dollars (\$1,477) million

Description of Item

This offset represents continued savings that will be generated through greater inter-component collaboration in IT contracting. Funds will be redirected to support the Department's Cybersecurity and IT transformation efforts as well as other high priority requests.

Summary Justification

As part of its effort to increase IT management efficiency and comply with OMB's direction to reform IT management activities, the Department implemented cost saving initiatives, as well as, IT transformation projects. To support cost savings, the Department developed an infrastructure to enable DOJ components to better collaborate on IT contracting, resulting in lower IT expenditures. In FY 2014, the Department anticipates realizing additional savings on all direct non-personnel IT spending through IT contracting collaboration. These savings will not only support greater management efficiency within components but will also support OMB's IT Reform plan by providing resources to support major initiatives in Cybersecurity, data center consolidation, and enterprise e-mail systems. The savings will also support other Department priorities in the FY 2014 request. The offset to support these initiatives for the USMS is \$1,477,000.

Impact on Performance

This offset will have minimal impact on USMS ability to accomplish its strategic and performance goals.

Funding**Base Funding**

FY 2012 Enacted				FY 2013 CR				FY 2014 Current Services			
Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)
105	0	105	\$88,852	120	0	120	\$89,396	120	0	120	\$91,141

Non-Personnel Reduction Cost Summary

Non-Personnel Item	Unit	Quantity	FY 2014 Request (\$000)	FY 2015 Net Annualization (change from 2014) (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)
Information Technology Savings			(\$1,477)		
Total Non-Personnel			(\$1,477)		

Total Request for this Item

	Pos	Agt/Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2015 Net Annualization (change from 2014) (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)
Current Services	120	0	120	\$15,062	\$76,079	\$91,141	\$0	\$0
Decreases	0	0	0	\$0	(\$1,477)	(\$1,477)	\$0	\$0
Grand Total	120	0	120	\$15,062	\$74,602	\$89,664	\$0	\$0

B. Item Name **Administrative Efficiencies**

Budget Decision Units: Judicial and Courthouse Security
Fugitive Apprehension
Prisoner Security and Transportation
Protection of Witnesses
Tactical Operations

Strategic Goal(s) & Objective(s): DOJ Strategic Goal I, Objective 1.1;
Strategic Goal II, Objectives 2.1, 2.2 and 2.3; and
Strategic Goal III, Objectives 3.1, 3.2 and 3.3

Organizational Program: U.S. Marshals Service

Component Ranking of Item: 2

Program Reduction: Positions 0 Agt/Atty 0 FTE 0 Dollars (\$3 533) million

Description of Item

The USMS will achieve \$3,533,000 in savings through the implementation of additional efficiencies and cost savings in administrative areas, including, but not limited to: printing, publications, travel, conferences, supplies, and general equipment.

Summary Justification

This reduction to administrative items demonstrates that the USMS plans to institute substantive efficiencies without unduly taxing either the people or missions of the USMS. The USMS anticipates savings, in the areas of publications and printing, should be achievable due to the number of publications and documents that are now publicly sourced on the Internet. The USMS is also reviewing and restricting all travel and conferences to ensure that all are appropriate for their personnel and mission.

Impact on Performance

This offset will have minimal impact on the USMS' ability to accomplish its strategic and performance goals.

Funding**Base Funding**

FY 2012 Enacted				FY 2013 CR				FY 2014 Current Services			
Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)
5,544	4,134	5,181	\$1,171,800	5,544	4,134	5,090	\$1,178,985	5,544	4,134	5,090	\$1,209,043

Non-Personnel Reduction Cost Summary

Non-Personnel Item	Unit	Quantity	FY 2014 Request (\$000)	FY 2015 Net Annualization (change from 2014) (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)
Administrative Efficiencies			(\$3,533)	\$0	\$0
Total Non-Personnel			(\$3,533)	\$0	\$0

Cost savings will be realized in administrative areas, including, but not limited to: printing, publications, travel, conferences, supplies, and general equipment.

Total Request for this Item

	Pos	Agf/ Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2015 Net Annualization (change from 2014) (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)
Current Services	5,544	4,134	5,090	\$759,890	\$449,153	\$1,209,043	\$0	\$0
Decreases	0	0	0	\$0	(\$3,533)	(\$3,533)	\$0	\$0
Grand Total	5,544	4,134	5,090	\$759,890	\$445,620	\$1,205,510	\$0	\$0

C. Item Name **Construction**Budget Decision Unit: ConstructionStrategic Goal(s) & Objective(s): DOJ Strategic Goal III, Objective 3.2Organizational Program: U.S. Marshals ServiceComponent Ranking of Item: 3Program Reduction: Positions 0 Agt/Atty 0 FTE 0 Dollars (\$5,000) million**Description of Item**

The USMS proposes an offset of \$5,000,000 to reduce courthouse renovation within the Construction Appropriation. The Construction appropriation provides resources to modify space controlled, occupied and/or utilized by the USMS for prisoner holding and related support space.

Summary Justification

The USMS is able to prioritize and schedule renovation projects through the General Services Administration. To achieve the cost savings, the USMS will extend the time required to renovate space to address existing security weaknesses.

Impact on Performance

This offset will have minimal impact on USMS ability to accomplish its strategic and performance goals related to courthouse renovation and security equipment maintenance.

Funding**Base Funding**

FY 2012 Enacted				FY 2013 CR				FY 2014 Current Services			
Pos	ag/	FTE	\$(000)	Pos	ag/	FTE	\$(000)	Pos	ag/	FTE	\$(000)
0	0	0	\$15,000	0	0	0	\$15,000	0	0	0	\$15,000

Non-Personnel Reduction Cost Summary

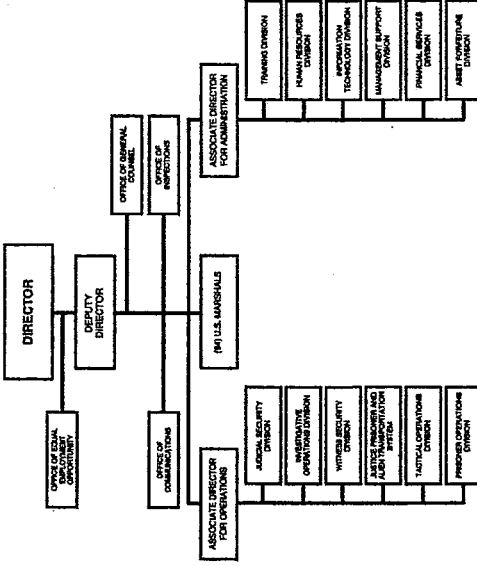
Non-Personnel Item	Unit	Quantity	FY 2014 Request (\$000)	FY 2015 Net Annualization (change from 2014) (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)
Other Services			(\$5,000)	\$0	\$0
Total Non-Personnel			(\$5,000)	\$0	\$0

Total Request for this Item

	Pos	Ag/A	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2015 Net Annualization (change from 2014) (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)
Current Services	0	0	0	\$0	\$15,000	\$15,000	\$0	\$0
Decreases	0	0	0	\$0	(\$5,000)	(\$5,000)	\$0	\$0
Grand Total	0	0	0	\$0	\$10,000	\$10,000	\$0	\$0

A: Organization Chart

UNITED STATES MARSHALS SERVICE



Approved By: *[Signature]* Date: 8-13-07
Special Agent in Charge

B. Summary of Requirements

Summary of Requirements
United States Marine Service
Salaries and Expenses
(Dollars in Thousands)

	FY 2014 Request		
	Direct Pos.	Estimate FTE	Amount
2012 Enacted	5,544	5,181	1,174,000
2012 Balance Recission (if applicable)	0	0	-2,200
Total 2012 Enacted (with Balance Recission)	5,544	5,181	1,171,800
2013 Continuing Resolution	5,544	5,090	1,174,000
2013 Balance Recission	0	0	-2,200
2013 CR 0.612% Increase	0	0	7,185
Total 2013 Continuing Resolution (with Balance Recission and Supplemental)	5,544	5,090	1,178,985
Technical Adjustments	0	0	0
Restoration of Recission - USMS S&E	0	0	2,200
Adjustment - 2013 CR 0.612%	0	0	-7,185
Total Technical Adjustments	0	0	-4,985
Base Adjustments	0	0	0
Transfers	0	0	0
JABS - To Components	0	0	2,755
JCON and JCOON STIS - To Components	0	0	2,774
New Technology - To Components	0	0	3,700
Office of Information Policy (OIP) - From Components	0	0	-147
Operational Responsibility Advisory Office (PROA) - From Components	0	0	8,771
Pay and Benefits	0	0	14,174
Domestic Rent and Facilities	0	0	2,782
Other Adjustments	0	0	332
Foreign Expenses	0	0	35,543
Total Base Adjustments	0	0	30,058
Total Technical and Base Adjustments	0	0	25,073
2014 Current Services	5,544	5,090	1,209,043
Program Changes	0	0	0
Grants	0	0	0
Administrative Efficiencies	0	0	-3,339
IT Savings	0	0	-5,710
Subtotal Offsets	0	0	-5,710
Total Program Changes	0	0	-9,049
2014 Total Request	5,544	5,090	1,204,033
2014 Balance Recission	0	0	-12,200
2012 - 2014 Total Request (with Balance Recission)	5,544	5,090	1,191,833
2012 - 2014 Total Change Without Recission	0	-91	-30,033

Note: The FTE for FY 2013 is actual and for FY 2014 and FY 2014 are estimates.

B. Summary of Requirements

Summary of Requirements
 United States Marshals Service
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	2012 Appropriation Enacted			2013 Continuing Resolution*			2014 Technical and Base Adjustments			2014 Current Services		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Judicial and Courthouse Security	2,222	2,077	454,898	2,222	2,041	457,872	0	0	8,555	2,222	2,041	466,227
Fugitive Apprehension	1,744	1,630	397,254	1,744	1,601	399,685	0	0	8,801	1,744	1,601	406,466
Prisoner Security and Transportation	1,194	1,118	249,802	1,194	1,099	251,331	0	0	4,564	1,194	1,099	255,895
Protection of Witnesses	207	193	34,506	207	189	34,720	0	0	845	207	189	35,565
Tactical Operations	177	163	37,547	177	160	37,777	0	0	7,093	177	160	44,870
Total Direct	5,644	5,181	1,174,000	5,644	5,090	1,181,885	0	0	27,868	5,644	5,090	1,209,043
Balance Rescission			-2,200			-2,200			2,200			0
Total Direct with Rescission			1,171,800			1,179,685			30,068			1,209,043
Reimbursable FTE		350			418		8				426	
Total Direct and Reimb. FTE		5,571			5,508		8				5,516	
Other FTE:												
LEAP		639			639		0				639	
Overtime		207			207		0				207	
Grand Total, FTE		6,417			6,354		8				6,362	

Program Activity	2014 Increases					2014 Offsets					2014 Request				
	Direct Pos.	FTE	Amount	Direct Pos.	FTE	Amount	Direct Pos.	FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Judicial and Courthouse Security	0	0	0	0	0	0	0	0	0	0	2,222	2,041	0	0	465,287
Fugitive Apprehension	0	0	0	0	0	0	0	0	0	0	1,744	1,601	0	0	404,892
Prisoner Security and Transportation	0	0	0	0	0	0	0	0	0	0	1,194	1,099	0	0	254,166
Protection of Witnesses	0	0	0	0	0	0	0	0	0	0	207	189	0	0	35,469
Tactical Operations	0	0	0	0	0	0	0	0	0	0	177	160	0	0	44,398
Total Direct	0	0	0	0	0	0	0	0	0	0	5,544	5,080	0	0	1,204,033
Balance Rescission						-5,110			-5,110			-12,200			-12,200
Total Direct with Rescission						-5,110			-5,110			-12,200			-12,200
Reimbursable FTE		0			0				0			0			426
Total Direct and Reimb. FTE		0			0				0			0			5,516
Other FTE:															
LEAP		0			0				0			0			639
Overtime		0			0				0			0			207
Grand Total, FTE		0			0				0			0			6,352

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-115, Section 101(e)).

B. Summary of Requirements

Summary of Requirements
United States Marshals Service
Construction
(Dollars in Thousands)

	FY 2014 Request	
	Direct Pos.	Amount
2012 Enacted		
2012 Balance Recission (if applicable)	0	15,000
Total 2012 Enacted (with Balance Recission)	0	0
2013 Continuing Resolution		
2013 CR 0.612% Increase	0	15,000
Total 2013 Continuing Resolution (with Balance Recission and Supplemental)	0	15,000
Technical Adjustments		
Total Technical Adjustments	92	92
Base Adjustments		
Total Base Adjustments	0	0
2014 Current Services		
Program Changes		
Offsets		
Construction		
Subtotal Offsets	0	-5,000
Total Program Changes	0	-5,000
2014 Total Request	0	10,000
2014 Balance Recission	0	0
2014 Total Request (with Balance Recission)	0	10,000
2013 - 2014 Total Change	0	-5,000

Note: The FTE for FY 2013 is used and for FY 2014 and FY 2014 are estimates

B. Summary of Requirements

Summary of Requirements
United States Marshals Service
Construction
(Dollars in Thousands)

Program Activity	2012 Appropriation Enacted			2013 Continuing Resolution*			2014 Technical and Base Adjustments			2014 Current Services		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Construction	0	0	15,000	0	0	15,092	0	0	-92	0	0	15,000
Balance Rescission	0	0	15,000	0	0	15,092	0	0	-92	0	0	15,000
Total Direct with Rescission			0			0			0			0
Grand Total, FTE		0	15,000		0	15,092		0	-92		0	15,000

Program Activity	2014 Increases			2014 Offsets			2014 Request		
	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Construction	0	0	0	0	0	-5,000	0	0	10,000
Balance Rescission	0	0	0	0	0	-5,000	0	0	10,000
Total Direct with Rescission			0			0			0
Grand Total, FTE		0	0		0	-5,000		0	10,000

*The 2013 Continuing Resolution includes the 0.812% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101(c)).

C. Program Changes by Decision Unit

FY 2014 Program Increases/Offsets by Decision Unit
United States Marshals Service
Salaries and Expenses
(Dollars in Thousands)

Program Offsets	Location of Description by Program Activity	Judicial and Courthouse Security				Fugitive Apprehension				Prisons Security and Transportation			
		Direct Pos.	Ag/L Atty.	Est. FTE	Amount	Direct Pos.	Ag/L Atty.	Est. FTE	Amount	Direct Pos.	Ag/L Atty.	Est. FTE	Amount
		Pos.	Atty.	FTE	Amount	Pos.	Atty.	FTE	Amount	Pos.	Atty.	FTE	Amount
Administrative Efficiencies	All Decision Units	0	0	0	-730	0	0	0	-1,454	0	0	0	-1,015
IT Savings	All Decision Units	0	0	0	-210	0	0	0	-230	0	0	0	-714
Total Program Offsets		0	0	0	-940	0	0	0	-1,684	0	0	0	-1,729

Program Offsets	Location of Description by Program Activity	Protection of Witnesses				Tactical Operations				Total Offsets			
		Direct Pos.	Ag/L Atty.	Est. FTE	Amount	Direct Pos.	Ag/L Atty.	Est. FTE	Amount	Direct Pos.	Ag/L Atty.	Est. FTE	Amount
		Pos.	Atty.	FTE	Amount	Pos.	Atty.	FTE	Amount	Pos.	Atty.	FTE	Amount
Administrative Efficiencies	All Decision Units	0	0	0	-85	0	0	0	-249	0	0	0	-3,533
IT Savings	All Decision Units	0	0	0	-11	0	0	0	-312	0	0	0	-1,477
Total Program Offsets		0	0	0	-96	0	0	0	-561	0	0	0	-5,010

FY 2014 Program Increases/Offsets by Decision Unit
United States Marshals Service
Construction
(Dollars in Thousands)

Program Offsets	Location of Description by Program Activity	Construction				Total Offsets			
		Direct Pos	Ag't/ Atty	Est. FTE	Amount	Direct Pos	Ag't/ Atty	Est. FTE	Amount
Construction	Construction	0	0	0	-5,000	0	0	0	-5,000
Total Program Offsets		0	0	0	-5,000	0	0	0	-5,000

D. Resources by DOJ Strategic Goal and Strategic Objective

Resources by Department of Justice Strategic Goal/Objective
United States Marshals Service
Salaries and Expenses
(Dollars in Thousands)

Strategic Goal and Strategic Objective		2012 Appropriation Enacted		2013 Continuing Resolution		2014 Current Services		2014 Offsets		2014 Total Request	
		Direct/ Reimb FTE	Amount	Direct/ Reimb FTE	Amount	Direct/ Reimb FTE	Amount	Direct/ Reimb FTE	Amount	Direct/ Reimb FTE	Amount
Goal 1 Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law											
1.1	Prevent, disrupt, and defeat terrorist operations before they occur.	383	95,052	399	96,556	399	102,867	0	0	399	102,867
	Subtotal, Goal 1	383	95,052	399	96,556	399	102,867	0	0	399	102,867
Goal 2 Prevent Crime, Protect the Rights of the American People, and enforce Federal Law											
2.1	Combat the threat, incidence, and prevalence of violent crime.	250	107,195	250	107,852	285	108,683	0	0	285	108,683
2.2	Combat the threat, incidence, and prevalence of drug crime.	250	55,585	250	55,585	250	55,585	0	0	250	55,585
2.3	Combat the threat, incidence, and use of illegal drugs and the diversion of law drugs.	1,130	248,380	1,125	250,517	1,131	251,437	0	0	1,131	251,437
	Subtotal, Goal 2	1,631	411,159	1,625	414,031	1,623	415,730	0	0	1,623	415,730
Goal 3 Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal and International Levels.											
3.1	Promote and Strengthen relationship and strategies for the administration of justice with state, local, tribal and international law enforcement.	29	15,058	29	15,161	29	15,400	0	0	29	15,400
3.2	Empower judges, witnesses, and other participants in federal proceedings; apprehend and ensure the appearance of criminal defendants for judicial proceedings or confinement.	1,046	188,320	1,051	190,544	1,072	203,121	0	-3,281	1,072	199,840
3.3	Provide for the safe, secure, humane, and cost-effective confinement of detainees awaiting trial and/or sentencing, and those of the custody of the Federal Prison System.	1,118	248,802	1,099	249,131	1,099	255,895	0	-1,729	1,099	254,166
3.4	Adjudicate all immigration cases promptly and impartially in accordance with due process.	1,294	214,350	1,294	215,652	1,294	215,970	0	0	1,294	215,970
	Subtotal, Goal 3	3,487	667,549	3,489	670,588	3,494	685,446	0	-5,010	3,494	685,436
TOTAL		5,671	1,174,000	5,658	1,181,185	5,615	1,230,043	0	-3,010	5,615	1,224,033

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

Resources by Department of Justice Strategic Goal/Objective
United States Marshals Service
Construction
(Dollars in Thousands)

Strategic Goal and Strategic Objective	2012 Appropriation Enacted			2013 Continuing Resolution			2014 Current Services			2014 Offsets			2014 Total Request		
	Direct/ Reimb FTE	Direct Amount	Reimb Amount	Direct FTE	Direct Amount	Reimb Amount	Direct FTE	Direct Amount	Reimb FTE	Direct FTE	Direct Amount	Reimb FTE	Direct FTE	Direct Amount	Reimb Amount
Goal 3 Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal and International Levels. 3.2 Protect judges, witnesses, and other participants in federal proceedings; apprehend fugitives, and ensure the appearance of criminal defendants for judicial proceedings or confinement.	0	15,000	0	0	15,092	0	0	15,000	0	0	-5,000	0	0	10,000	0
TOTAL	0	15,000	0	0	15,092	0	0	15,000	0	0	-5,000	0	0	10,000	0

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (e)).

E. Justification for Technical and Base Adjustments

Justifications for Technical and Base Adjustments United States Marshals Service Salaries and Expenses (Dollars in Thousands)

	Direct Pos.	Estimate PTE	Amount
Technical Adjustments			
1 Restoration of Recision	0	0	2,200
2 Adjustment - 2013 CR 0.612%			
PL 112-175 section 101 (c) provided 0.612% across the board increase above the current rate for the 2013 CR funding level. This adjustment reverses this increase.	0	0	-7,165
	0	0	-4,589
Transfers			
1 Joint Automated Booking System (JABS):			
A transfer of \$2,755 is included in support of the Department's Justus Automated Booking System program which will be moved to the Working Capital Fund and provided as a billable service in FY 2014.	0	0	2,755
2 JCON and JCON SITS:			
A transfer of \$2,774 is included in support of the Department's Justice Consolidated Office Network (JCON) and JCON SITS programs which will be moved to the Working Capital Fund and provided as a billable service in FY 2014.	0	0	2,774
3 Law Enforcement Radio:			
In FY 2013, the funding for the Department's Radio/Interoperability program is being realigned. This change will generate savings and allow the Department to increase our investments in improved technology and interoperability. As part of the realignment, base operations and maintenance (O&M) funding for radios is being transferred back to components. For USMS, the O&M transfer amount is \$3,700.	0	0	3,700
4 Office of Information Policy (OIP):			
The component transfers for the Office of Information Policy (OIP) into the General Administration appropriation will centralize appropriated funding and eliminate the current reimbursable financing process. The centralization of the funding is administratively advantageous because it eliminates the paper-intensive reimbursement process.	0	0	-147
5 Professional Responsibility Advisory Office:			
The component transfers for the Professional Responsibility Advisory Office (PRAO) into the General Administration appropriation will centralize appropriated funding and eliminate the current reimbursable financing process. The centralization of the funding is administratively advantageous because it eliminates the paper-intensive reimbursement process.	0	0	-7
Pay and Benefits			
1 2014 Pay Raise:			
The request provides for a proposed 1 percent pay raise to be effective in January of 2014. The increase only includes the general pay raise. The amount request, \$4,897, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$3,412 for pay and \$1,465 for benefits).	0	0	4,897
2 Centralization of 2013 Pay Raise:			
This request represents first quarter amounts (October through December) of the 2013 pay increase of 0.5% included in the 2013 President's Budget. The amount requested \$657, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$504 for pay and \$253 for benefits).	0	0	867

Justifications for Technical and Base Adjustments

United States Marshals Service
Salaries and Expenses
(Dollars in Thousands)

	Direct Pos.	Estimate FTE	Amount
<p>3 Employee Compensation Fund: The State will implement anticipated changes in payments to the Department of Labor for injury benefits under the Federal Employee Compensation Act.</p> <p>Effective January 2014, the component's contribution to Federal employees' health insurance increases by 3.2 percent. Applied against the 2013 estimate of \$37,115, the additional amount required is \$1,196.</p>	0	0	846
<p>4 Health Insurance: Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 1.3 percent per year. The requested increase of \$964 is necessary to meet our increased retirement obligations as a result of this conversion.</p>	0	0	1,196
<p>5 Retirement: Subtotal Pay and Benefits</p>	0	0	864
<p>Domestic Rent and Facilities</p> <p>1 Domestic Rental Rates (GSA) Rent: GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$10,902 is required to meet our commitment to GSA. The costs associated with GSA include rent paid through the use of an automated system, which uses the latest inventory data, including rate increases to be effective FY 2014 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied. GSA provides data on the rate increases.</p>	0	0	10,902
<p>2 Housekeeping Expenses: GSA requires all expenses for relocation costs associated with lease expirations. This request provides for the costs associated with new office relocations caused by the expiration of leases in FY 2014.</p>	0	0	3,182
<p>Other Adjustments</p> <p>1 WCF Rate Adjustments: The Department's Working Capital Fund (WCF) provides Department components with centralized administrative and infrastructure support services. The WCF is a cost effective mechanism that eliminates duplication of effort and promotes economies of scale through consolidation and centralization. Inflationary adjustments are required to account for pay adjustments, contractual changes, and information technology maintenance and technology refreshment upgrades. Funding of \$73 is required for this account.</p> <p>2 Legacy Build, Operations and Maintenance (O&M) In FY 2013, the funding for the Department's RadioInteroperability program is being realigned. This change will generate savings and allow the Department to increase our investments in improved technology and interoperability. As part of the realignment, base operations and maintenance (O&M) funding for radios is being transferred back to components. In order to fully fund the O&M requirements, an ATB increase of \$2,719 is requested for USMS.</p>	0	0	14,174
<p>Subtotal Other Adjustments</p>	0	0	2,719
<p>Subtotal</p>	0	0	2,793

E. Justification for Technical and Base Adjustments

Justifications for Technical and Base Adjustments

United States Marshals Service

Salaries and Expenses

(Colons in Thousands)

Foreign Expenses	Direct Pos.	Estimate FTE	Amount
1 Education Allowance: For employees stationed abroad, components are obligated to meet the educational expenses incurred by an employee in providing adequate elementary (grades K-6) and secondary (grades 7-12) education for dependent children at post. \$124 reflects the increase in cost to support existing living costs.	0	0	124
2 Government Leased Quarter (GLQ) Requirements: GLQ is a program managed by the Department of State (DOS) and provides government employees stationed overseas with housing and utilities. DOS covers the costs of the GLQs and negotiates the lease for components. \$21 reflects the change in cost to support existing staffing levels.	0	0	21
3 International Cooperative Administrative Support Services (ICASS): Under the ICASS, an annual charge is made by the Department of State for administrative support based on the overseas staff of each federal agency. This request is based on the projected FY 2013 bill for post invoices and other ICASS costs.	0	0	-692
4 Living Quarter Allowance: The living quarter allowance (LQA) is an allowance granted an employee for the annual cost of adequate living quarters for the employee and the employee's family at a foreign post. The rates are designed to cover the average cost of rent, heat, light, fuel, gas, electricity, water, local travel and maintenance for the employee. Employees who receive the GLQ do not receive LQA and vice versa. \$9 reflects the change in cost to support existing staffing levels.	0	0	9
5 Overseas Capital Security Cost Sharing (OSCS): The Department of State (DOS) is in the midst of a multi-year capital security construction program with a plan to build and maintain new diplomatic compounds and facilities. This program is managed by the State Department's Overseas Capital Security Program (OSCP). L-108-417 and subsequent acts "all agencies with personnel overseas subject to chief of mission authority, shall participate and provide funding in advance for their share of costs of providing new, safe, secure U.S. diplomatic facilities, without offsets, on the basis of the total overseas presence of each agency as determined by the Secretary of State." Originally authorized for FY2000-2004, the program has been extended annually by OMB and Congress and has also been expanded beyond new embassy construction to include maintenance and renovation costs of the new facilities also. For the purpose of this program, DOS's personnel totals for DOJ include current and projected staffing. The estimated cost to the Department, as provided by DOS, for FY 2014 is \$940. The USMS currently has 17 positions overseas, and funding of \$840 is requested for this account.	0	0	840
6 Post Allowance - Cost of Living Allowance (COLA): For employees stationed abroad, components are obligated to pay for their COLA. COLA is intended to reimburse certain excess costs and to compensate the employee for serving at a post where the cost of living, excluding the cost of quarters and the cost of education for eligible family members, is substantially higher than the Washington, D.C. area. \$33 reflects the increase in cost to support existing staffing levels.	0	0	33
TOTAL DIRECT TECHNICAL AND BASE ADJUSTMENTS	0	0	30,058
Subtotal Foreign Expenses	0	0	332

Crosswalk of 2012 Availability
United States Marshall Service
Salaries and Expenses
(Dollars in Thousands)

Program Activity	2012 Appropriation Enacted w/o Balance Rescission			Balance Rescission			Reprogramming/Transfers			Carryover			Recoveries/Refunds			2012 Actual		
	Direct	Actual	Amount	Direct	Actual	Amount	Direct	Actual	Amount	Direct	Actual	Amount	Direct	Actual	Amount	Direct	Actual	Amount
Judicial and Courtroom Security	2,222	2,077	454,980	0	0	0	0	0	9,037	9,035	0	0	1,950	2,222	2,077	0	472,460	0
Prisoner Transportation	1,184	1,184	1,184	0	0	0	0	0	0	0	0	0	0	1,184	1,184	0	1,184	0
Prisoner Security and Transportation	1,184	1,184	249,920	0	0	0	0	0	0	0	0	0	0	1,184	1,184	0	247,600	0
Protection of Witnesses	207	193	34,559	0	0	0	0	0	0	0	0	0	0	207	193	0	34,559	0
Tactical Operations	177	163	27,547	0	0	0	0	0	2,517	3,300	0	0	0	177	163	0	38,500	0
Reimbursable FTE	5,544	5,181	1,174,000	0	0	0	0	0	8,348	13,948	0	0	1,987	5,544	5,181	0	1,192,527	0
Total Direct and Reimb. FTE	5,544	5,181	1,174,000	0	0	0	0	0	8,348	13,948	0	0	1,987	5,544	5,181	0	1,192,527	0
Other FTE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LEAP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	639	0
Grand Total FTE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	639	0
Grand Total FTE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	639	0

Reprogramming/Transfers:
Unobligated balance transfers for USMS 15-0324-11/12 include a transfer out of \$60,000 and a transfer in of \$114,900 from High Intensity Drug Trafficking Area (HIDTA 11-1075-11/12), and for USMS S&E No-Year (15-0324-X) a transfer out of \$2,011,000 to support information technology enhancements (USMS 15-0132-X) and transfers in from S&E Prior Year (FY07, FY08, FY11) balances of \$8,637,062. Also includes appropriations transfer to USMS (15-0324-11/13) from HIDTA (11-1075-12/13) of \$1,261,162.

Carryover:
Unobligated Balances that were carried over from FY 2011 S&E Multi-Year (15-0324-11/12) include \$1,122,504 for the HIDTA program and \$3,300,000 to support the mission in Afghanistan. Also includes \$8,525,192 carryover from S&E No-Year (15-0324-X) to support information technology enhancements.

Recoveries/Refunds:
Recoveries of prior year obligations amounted to \$841,308; however, \$2.4 million had to be pulled from direct funding to cover prior year refunds to the Detention Trustee. This adjustment resulted in a negative balance of \$1,569,386.

Rescissions:
Unobligated balance rescission of \$2,200,000.

Crosswalk of 2012 Availability
United States Marshall Service
Construction
(Dollars in Thousands)

Program Activity	2012 Appropriation Enacted w/o Balance Rescission			Balance Rescission			Reprogramming/Transfers			Carryover			Recoveries/Refunds			2012 Actual		
	Direct	Actual	Amount	Direct	Actual	Amount	Direct	Actual	Amount	Direct	Actual	Amount	Direct	Actual	Amount	Direct	Actual	Amount
Construction	0	0	15,000	0	0	0	0	0	0	0	0	0	0	0	0	0	17,813	0
Total	0	0	15,000	0	0	0	0	0	0	0	0	0	0	0	0	0	17,813	0

Carryover:
Unobligated Balances that were carried over from FY 2011 include \$2,050,770 from Construction No-Year (15-0133-X) for renovation and related costs.

Recoveries:
Recoveries from Prior Year obligations amounted to \$692,428 to support courthouse renovations and related costs.

Crosswalk of 2013 Availability
United States Marshall Service
Salaries and Expenses
(Dollars in Thousands)

Program Activity	FY 2013 Continuing Resolution				Reprogramming/Transfers				Carryover		Reverses/ Refunds		2013 Availability			
	Direct Pos	Estim. FTE	Amount		Direct Pos	Estim. FTE	Amount		Amount		Amount		Direct Pos	Estim. FTE	Amount	
Judicial and Court House Security	2,223	2,041	487,672	0	0	0	8,390	0	7,290	0	1,500	0	2,223	2,041	477,882	0
Prisoner Security	1,184	1,069	259,351	0	0	0	731	0	1,116	0	0	0	1,184	1,069	260,536	0
Prisoner Security and Transportation	207	189	34,720	0	0	0	0	0	0	0	0	0	207	189	34,720	0
Protection of Witnesses	177	160	37,771	0	0	0	0	0	0	0	0	0	177	160	35,250	0
Tactical Operations	5,544	5,093	1,179,585	0	0	0	4,720	0	8,404	0	1,500	0	5,544	5,093	1,183,693	0
Subgrantees FTE																
Subgrantees Amount																
Total Direct and Reimb FTE																
Total Direct and Reimb Amount																
Other FTE																
Other Amount																
Grand Total FTE																
Grand Total Amount																

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

Reprogramming/Transfers:
Unobligated balance transfers for USMS 15-0324-1213 include a transfer in of \$127,485 from High Intensity Drug Trafficking Area (HIDTA 11-1070-1213), and for USMS S&E No-Year (15-0324-X) a planned transfer out of \$2,517,103 to Tactical Law Enforcement Wireless Communications (TLEWC 15-0132-X) and transfers in from S&E Prior Year (FY11, FY12) balances of \$6,500,000. Also includes appropriations transfer to USMS (15-0324-1314) from HIDTA (11-1070-1314) of \$809,801.

Carryover:
Unobligated Balances that were carried over from FY 2012 S&E Multi-Year (15-0324-1213) are \$1,114,089 for the HIDTA program. Also includes \$7,260,513 carryover from S&E No-Year (15-0324-X) to support information technology enhancements.

Reverses/Refunds:
Reverses of prior year obligations are estimated at \$1,500,000 S&E No-Year (15-0324-X) as reported in the FY 2013 Spend Plan under Section 211. Notification, to be used for courthouse security equipment and related costs and information technology enhancements.

Crosswalk of 2013 Availability
United States Marshall Service
Construction
(Dollars in Thousands)

Program Activity	FY 2013 Continuing Resolution				Reprogramming/Transfers				Carryover		Reverses/ Refunds		2013 Availability			
	Direct Pos	Estim. FTE	Amount		Direct Pos	Estim. FTE	Amount		Amount		Amount		Direct Pos	Estim. FTE	Amount	
Construction	0	0	15,092	0	0	0	0	0	950	0	1,000	0	0	0	17,022	0
Total	0	0	15,092	0	0	0	0	0	950	0	1,000	0	0	0	17,022	0

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

Carryover:
Unobligated Balances that were carried over from FY 2012 include \$330,402 from Construction No-Year (15-0133-X) for renovation and related costs.

Reverses/Refunds:
Reverses from Prior Year obligations are estimated at \$1,000,000 as reported in the FY 2013 Spend Plan under Section 211. Notification, to support courthouse renovation and related costs.

H. Summary of Reimbursable Resources

Summary of Reimbursable Resources
 United States Marshals Service
 Salaries and Expenses
 (Dollars in Thousands)

Collections by Source	2012 Actual*			2013 Planned**			2014 Request***			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
Administrative Office of the U.S. Courts (AOUSC)	78	95	488	70	496	488	72	488	488	-4	2	0
Assets Forfeiture Fund (AFF)	24	24	24	24	24	24	24	24	24	0	0	0
Centers for Disease Control (CDC)	34	34	9,029	34	9,029	9,029	34	9,029	9,029	0	0	0
Civilian Response Corps (CRC)	9	2	3,187	9	3,187	3,187	9	3,187	3,187	0	0	0
Department of Defense (DOD)	0	0	8,500	0	8,500	8,500	0	8,500	8,500	0	0	0
Department of Homeland Security (DHS)	0	0	6,652	0	6,402	6,402	0	6,402	6,402	0	0	0
Department of Justice (DOJ)	0	1	19,486	0	19,486	19,486	1	19,486	19,486	1	1	0
Department of State (DOS)	0	0	3,889	0	3,739	3,739	0	3,739	3,739	0	0	0
Executive Office of the U.S. Attorneys (EOUSA)	0	0	2,354	0	2,354	2,354	0	2,354	2,354	0	0	0
Federal Law Enforcement Training Center (FLETC)	0	0	15	0	20	20	0	20	20	0	0	0
Office of Federal Detention Trustee (OFDT/FPD)	0	0	1,509,140	0	1,509,140	1,509,140	0	1,509,140	1,509,140	0	0	-1,509,140
Office of National Drug Control Policy (ONDCP)	8	6	1,973	8	2,000	2,000	8	2,000	2,000	0	0	0
Signature Crime Drug Enforcement Task Force (OCDETF)	43	38	9,067	43	9,100	9,100	42	9,100	9,100	-1	-2	0
State of Tennessee (SOT)	0	0	2,200	0	2,200	2,200	0	2,200	2,200	0	0	0
U.S. Tax Court	3	3	2,890	3	2,890	2,890	3	2,890	2,890	0	0	0
Various Federal Sources	0	0	1,120	0	1,235	1,235	0	1,235	1,235	0	0	0
Budgetary Resources	424	330	1,678,804	424	418	1,678,678	432	426	88,638	8	8	-1,509,140

* Effective FY 2012, AFF is no longer a reimbursable item

** FY 2012 and 2013 excludes reimbursable positions and FTE for Centers for Disease Control (2) and DOJ supporting Plan Colombia (1).

*** As of FY 2014, OFDT will no longer be a reimbursable item due to the USMS/OFDT merger. The increase of 8 FTE includes: additional 5 FTE for AFF; 2 for AOUSC; 2 FTE for CDC; 1 FTE for DOJ; and minus 2 FTE from OCDETF to match current reimbursable agreement.

i. Detail of Permanent Positions by Category

Detail of Permanent Positions by Category
United States Marshals Service
Salaries and Expenses
(Colors in Thousands)

Category	2012 Appropriation Enacted with Balance Rescissions*		2013 Continuing Resolution*		2014 Request**	
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.	Total Direct Pos.	Total Reimb Pos.
Miscellaneous Occupations (010-059)	3	0	3	0	3	0
Security Administration (080)	24	24	24	24	24	24
Social sciences, Psychology, and Welfare (100-189)	4	0	4	0	4	0
Intelligence (130)	47	3	47	3	47	3
Human Resources Management (200-299)	48	0	48	0	48	0
General Administration (300-399)	795	118	795	118	795	118
Accounting and Budget (500-599)	125	11	125	11	125	11
Medical-Public Health (600-699)	2	1	2	1	2	1
Architecture (800)	3	0	3	0	3	0
Electronics Technical (850)	0	2	0	2	0	2
General Attorney (900)	19	3	19	3	19	3
Paralegal Specialist (950)	1	0	1	0	1	0
Information & Arts (1000-1099)	11	0	11	0	11	0
Mathematics and Statistics (1500-1599)	12	0	12	0	12	0
Equipment, Facilities, and Services (1600-1699)	2	0	2	0	2	0
Detention Enforcement Officers (1800-1899)	114	0	114	0	114	0
Criminal Investigative (1811 and 062)	4,134	162	4,134	162	4,134	162
Transportation (2100-2199)	6	0	6	0	6	0
Information Technology Management (2210)	83	3	83	3	83	3
Total	5,544	424	5,544	424	5,544	424
Headquarters (Washington, D.C.)	707	159	707	159	707	159
U.S. Field Offices	4,837	265	4,837	265	4,837	265
Foreign Field	17	0	17	0	17	0
Total	5,544	424	5,544	424	5,544	424

* FY 2012 and 2013 excludes reimbursable positions for Centers for Disease Control (2) and DOJ supporting Plan Columbia (1).
 ** FY 2014 includes 10 additional DUSMs for AFF, 3 DUSM positions for CDC and DOJ, 4 administrative positions from AQUSC to match current allocation.
 - 1 DUSM from OCCDET to match current reimbursable agreement.

J. Financial Analysis of Program Changes

Financial Analysis of Program Changes

United States Marshals Service

Salaries and Expenses

(Dollars in Thousands)

Grades	Judicial and Courthouse Security		Fugitive Apprehension		Prisoner Security and Transportation	
	Program Offsets		Program Offsets		Program Offsets	
	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount
21.0 Travel and Transportation of Persons	0	-233	0	-160	0	-110
22.0 Transportation of Things	0	-10	0	-7	0	-5
23.3 Communications, Utilities, and Miscellaneous Charges	0	-198	0	-164	0	-101
24.0 Printing and Reproduction	0	-5	0	-5	0	-3
25.2 Other Services from Non-Federal Sources	0	-128	0	-979	0	-372
26.0 Supplies and Materials	0	-49	0	-22	0	-60
31.0 Equipment	0	-317	0	-347	0	-1,078
Total Program Change Requests	0	-940	0	-1,684	0	-1,729

Grades	Protection of Witnesses		Tactical Operations		Total Program Changes	
	Program Offsets		Program Offsets		Program Offsets	
	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount
21.0 Travel and Transportation of Persons	0	-17	0	-19	0	-538
22.0 Transportation of Things	0	-1	0	-1	0	-24
23.3 Communications, Utilities, and Miscellaneous Charges	0	-22	0	-26	0	-511
24.0 Printing and Reproduction	0	-1	0	-1	0	-15
25.2 Other Services from Non-Federal Sources	0	-34	0	-36	0	-1,549
26.0 Supplies and Materials	0	-5	0	-8	0	-144
31.0 Equipment	0	-16	0	-471	0	-2,228
Total Program Change Requests	0	-96	0	-581	0	-5,010

Financial Analysis of Program Changes

United States Marshals Service

Construction

(Dollars in Thousands)

Grades	Construction		Total Program Changes	
	Program Offsets		Program Offsets	
	Direct Pos.	Amount	Direct Pos.	Amount
25.2 Other Services from Non-Federal Sources	0	-5,000	0	-5,000
Total Program Change Requests	0	-5,000	0	-5,000

K. Summary of Requirements by Grade

Summary of Requirements by Grade
 United States Marshals Service
 Salaries and Expenses
 (Dollars in Thousands)

Grades and Salary Ranges		2012 Enacted		2013 Continuing Resolution		2014 Request		Increase/Decrease	
		Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount
EX	\$ 145,700 - 199,700	1	0	1	0	1	0	0	0
SES/SL	\$ 119,554 - 179,700	54	0	54	0	54	0	0	0
GS-15	\$ 123,758 - 155,500	175	0	175	0	175	0	0	0
GS-14	\$ 105,211 - 136,771	272	0	272	0	272	0	0	0
GS-13	\$ 89,033 - 115,742	688	0	688	0	688	0	0	0
GS-12	\$ 74,872 - 97,333	2,697	0	2,697	0	2,697	0	0	0
GS-11	\$ 62,467 - 81,204	310	0	310	0	310	0	0	0
GS-10	\$ 56,857 - 73,917	1	0	1	0	1	0	0	0
GS-9	\$ 51,630 - 67,114	869	0	869	0	869	0	0	0
GS-8	\$ 46,745 - 60,765	37	0	37	0	37	0	0	0
GS-7	\$ 42,209 - 54,875	439	0	439	0	439	0	0	0
GS-4	\$ 30,456 - 39,590	1	0	1	0	1	0	0	0
Total, Appropriated Positions		5,544	0	5,544	0	5,544	0	0	0
Average SES Salary			166,944		167,779		170,631		
Average GS Salary			87,124		87,560		89,048		
Average GS Grade			12		12		12		

L. Summary of Requirements by Object Class

Summary of Requirements by Object Class
United States Marshals Service
Salaries and Expenses
(Dollars in Thousands)

Object Class	2012 Actual		2013 Availability		2014 Request		Increase/Decrease	
	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 Full-Time Permanent	5,156	407,821	5,065	420,768	5,065	424,063	0	3,315
11.3 Other than Full-Time Permanent	25	13,269	25	12,703	25	12,803	0	100
11.5 Other Personnel Compensation	846	81,291	846	95,734	846	96,335	0	601
Overtime	207	17,606	207	17,606	207	17,606	0	0
Other Compensation	639	63,685	639	78,128	639	78,729	0	601
11.8 Special Personal Services Payments	0	6,492	0	6,663	0	6,663	0	0
Total	6,027	508,873	6,536	535,868	6,936	539,884	0	4,016
Other Object Classes								
12.0 Personnel Benefits		216,554		221,831		226,669		4,838
13.0 Benefits for former personnel		0		9		9		0
21.0 Travel and Transportation of Persons		29,558		24,358		23,620		-538
22.0 Transportation of Things		1,122		1,061		1,057		-24
23.1 Rental Payments to GSA		173,767		184,767		195,779		10,992
23.2 Rental Payments to Others		10,058		6,283		6,283		0
23.3 Communications, Utilities, and Miscellaneous Charges		24,426		23,081		22,570		-511
24.0 Printing and Reproduction		452		669		654		-15
25.1 Advisory and Assistance Services		1,834		1,000		1,000		0
25.2 Other Services from Non-Federal Sources		98,545		73,223		72,285		-938
25.3 Other Goods and Services from Federal Sources		19,632		18,275		18,275		0
25.3 DHS Security (GSA)		11,478		13,532		13,532		0
25.4 Operation and Maintenance of Facilities		7,466		9,466		9,466		0
25.6 Medical Care		2,188		2,188		2,188		0
25.7 Operation and Maintenance of Equipment		16,820		16,820		16,820		0
25.9 Lease Expirations		28,018		17,693		17,549		-144
26.0 Supplies and Materials		27,727		27,532		31,722		4,190
31.0 Equipment		1,734		469		469		0
32.0 Land and Structures		347		225		225		0
42.0 Insurance Claims and Indemnities		225		225		225		0
Total Obligations		1,177,847		1,178,985		1,204,033		26,048
Subtract - Unobligated Balance, Start-of-Year		-13,948		-8,405		-14,625		-6,220
Subtract - Transfers/Reprogramming		-8,346		-4,720		0		4,720
Subtract - Recoveries/Refunds		1,567		1,500		0		1,500
Add - Unobligated End-of-Year, Available		8,405		14,625		2,425		-12,200
Add - Unobligated End-of-Year, Expiring		6,475		0		0		0
Total Direct Requirements	0	1,171,800	0	1,178,985	0	1,191,833	0	12,848
Reimbursable FTE								
Full-Time Permanent	390		418		426		8	
23.1 Rental Payments to GSA (Reimbursable)		19,450		19,642		19,642		0
25.3 Other Goods and Services from Federal Sources - DHS Security (Reimbursable)		1,242		1,254		1,254		0

*The 2013 Availability includes the 0.812% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

L Summary of Requirements by Object Class

Summary of Requirements by Object Class

United States Marshals Service

Construction

(Dollars in Thousands)

Object Class	2012 Actual		2013 Availability		2014 Request		Increase/Decrease	
	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount
25.2 Other Services from Non-Federal Sources	0	16,983	0	10,000	0	10,000	0	0
Total Obligations		16,983		10,000		10,000		0
Subtract - Unobligated Balance, Start-of-Year		-2,061		-930		-1,930		-1,000
Subtract - Recoveries/Refunds		-862		-1,000		0		1,000
Add - Unobligated End-of-Year, Available		930		1,930		1,930		0
Add - Unobligated End-of-Year, Unavailable		0		5,000		0		-5,000
Total Direct Requirements	0	15,000	0	15,000	0	10,000	0	-5,000

**United States Marshals Service
FY 2014 Performance Budget
President's Budget**

**Justice Prisoner and Alien Transportation System
Revolving Fund**



April 2013

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I. Overview

The Justice Prisoner and Alien Transportation System (JPATS) mission is to coordinate and transport prisoners and detainees safely, securely, and humanely, in a timely and economical manner. JPATS is a revolving fund activity with total operating costs being reimbursed by customer agencies. JPATS coordinates the movement of the majority of federal prisoners and detainees, including sentenced, pretrial and criminal aliens, in the custody of the U.S. Marshals Service (USMS) and the Bureau of Prisons (BOP). JPATS also transports Department of Defense and state and local prisoners on a reimbursable, space-available basis.

Using projected prisoner movement requirements provided by the customers, JPATS projects total costs associated with air transportation. OMB Circular A-126 guidelines are utilized to identify fixed and variable air transportation cost categories, and with the utilization of activity based costing, flying hour rates are developed. Customers are billed based on the number of flight hours and the number of seats utilized to move their prisoners/detainees.

The JPATS Revolving Fund provides numerous benefits, including, but not limited to: 1) no-year-account with a consistent funding stream from the customer agencies; 2) operates under the concept of full-cost recovery; 3) provides for multi-year funding/leasing authority for capital acquisitions; and 4) has authority to retain proceeds from the disposal of JPATS aircraft and parts. The JPATS Revolving Fund provides stability in costs to the customer agencies since the fund can absorb, on a short-term basis, cost fluctuations for operating expenses such as fuel and major aircraft maintenance. It also simplifies the task of replacing aircraft and obtaining major aircraft parts by enabling JPATS to extend the cost of equipment purchases or equipment leases over several years, and to plan the procurement of equipment, or equipment lease agreements when needed.

JPATS is committed to ensuring that each scheduled flight is staffed with qualified flight personnel to safely operate each aircraft, that adequate security officers are present to ensure the safety of the detainees/prisoners being transported and the crew, and that at least one medical professional is present for any medical emergency on all medium and large aircraft which transport the majority of prisoners.

A. Budget Assumptions

JPATS continues to look for opportunities to optimize the transportation network and produce efficiencies for the customer. However, the transportation needs of the customers continue to grow. The key assumptions for this budget formulation include:

- An increase of 659 flying hours projected by the customer agencies.
- The price of jet fuel will continue to increase.
- A major maintenance for the SAAB aircraft.

B. Efficiencies and Savings

JPATS continually examines its operational areas seeking to increase efficiency and improve the quality of services to generate savings for the customer agencies.

JPATS Efficiencies: JPATS receives over 500 requests daily to move prisoners between judicial districts, correctional institutions, and other locations. In coordination with the Federal Prisoner Detention (FPD) program, JPATS created Regional Transfer Centers (RTC) and JPATS Transfer Annexes (JTA) to facilitate the movement of prisoners to their destination and reduce housing costs by:

- expanding the in-transit infrastructure;
- reducing in-transit time;
- expanding ground transportation capabilities;
- decreasing reliance on the Federal Transfer Center (FTC) by strategic placement of housing near airlift sites and BOP contract facilities;
- freeing bed space in highly impacted districts; and,
- assisting the BOP in addressing prisoner capacity demands, especially for private contract facilities.

JPATS continues to lead optimization efforts to improve performance in the delivery of services and gain efficiencies in both time and cost. Central to JPATS program initiatives is the data and analysis made possible through the JPATS Management Information System (JMIS). More accurate data is now available which helps management analyze areas that impede efficiency which, in turn, drives program improvement through performance measurement and monitoring.

C. Budget Summary

The following table provides the JPATS Revolving Fund estimates for budget authority and personnel. The budget authority requested is based upon the customers' projected requirements and estimated carry forward authority for FY 2013 and FY 2014.

Financial Operations
JPATS
2014
(Dollars in Thousands)

<u>Authority</u>	<u>FY 2012</u>	<u>FY 2013</u>	<u>FY 2014</u>
Operating	59,366	50,472	60,325
Less Depreciation	(1,772)	(1,755)	(1,747)
Operating Authority	57,594	48,717	58,578
*Carry Forward Authority	35,574	41,273	17,773
Total Authority	93,168	89,990	76,351
<u>Staffing</u>			
Civilian Positions	123	123	123
Civilian End Strength	95	95	99
Personal Contract Guards	90	90	90
 Average GS Salary	 79,255	 82,195	 84,953
Average SES Salary	172,674	173,537	175,609

*Carry Forward Amount from FY 2012 SF-133 dated 9/30/2012

Revenue and Expenses

JPATS

2014

(Dollars in Thousands)

	<u>FY 2012</u>	<u>FY 2013</u>	<u>FY 2014</u>
Revenue	57,133	50,472	60,325
Cost of Operations	(53,025)	(50,472)	(60,325)
Operating Results	4,108	0	0
Adjustment – Other			
Net Operating Results (NOR)	4,108	0	0
Accumulated Operating Results (AOR) – Beginning	(5,176)	(1,068)	(1,068)
AOR Adjustments			
Accumulated Operating Results (AOR)	(1,068)	(1,068)	(1,068)

The actual accumulated operating results are reported as well as the anticipated AOR for FY 2013 and FY 2014 are provided. The Revenue and Expenses chart on page 11 provides the corollary details.

II. JPATS Performance Challenges

A. Transporting Prisoners in a Timely and Economical Manner

Challenge: The demand for prisoner transportation continues to rise with the increase in the detainee and prisoners populations. Given uncontrollable factors such as jet-fuel prices, JPATS must look for innovative solutions to create greater efficiency within the current transportation infrastructure, which will in turn impact the cost of detainee housing. The interdependence of transportation and housing precludes addressing one without having an impact on the other.

1. Transport Prisoners in a Timely Manner

Strategy: Reduce Schedule Process Time and Request Backlog

BOP is attempting to create an Electronic Inmate Case File (EICF). Once BOP completes this project, the USMS will be able to send documents from eDesignate (a secure, electronic, web-based system that completely automates the sentence to commitment process) directly to EICF, thus likely eliminating the need for a hard-copy travel folder currently required. This will reduce the time involved in the manual process of collecting and accounting for each file. In addition, this project will create the ability to access SENTRY (the BOP's Inmate tracking system that provides information about incarcerated individuals) data which can enhance the existing eDesignate work flow process thereby reducing the sentence to commitment processing time. Additionally, the JMIS Assisted Routing and Scheduling module, when fully implemented, is expected to further reduce the time it takes to schedule a prisoner for transport and to prioritize the prisoner movement based on process code as well as the cost of pre-transit housing, further assisting in reducing housing costs.

2. Transport Prisoners in an Economical Manner

Strategy: Develop the Next Generation Aircraft Owner/Leasing Option for Greater Flexibility

JPATS must ensure that an adequate number and appropriate aircraft are available to meet demands. Remaining with leased aircraft will require contracting for newer more reliable aircraft since the current leased fleet is reaching the end of their useful life. However, acquiring newer leased aircraft also likely increase the overall cost. JPATS analyzed requirements for the next generation aircraft acquisition and concluded that the operating and maintenance costs of two owned mid-range aircraft has the potential to save between \$5-6 million annually. JPATS funded the aircraft through the revolving fund carryforward reimbursable authority. JPATS continually seeks ways to become more efficient in every aspect of the prisoner transportation mission. This includes working with the BOP and the USMS to attempt to move medical prisoners in the most economical fashion possible. Medical transportation is extremely costly in comparison to regular transportation. Accordingly, JPATS continually works toward better coordination to move medical prisoners on regular air missions.

III. Performance and Resource Table

PERFORMANCE AND RESOURCES TABLE									
Decision Unit: Justice Prisoner and Alien Transportation System									
DOJ Strategic Objective III: Provide for the safe, secure, humane, and cost-effective confinement of detainees awaiting trial and/or sentencing and those in the custody of the federal prison system • Hold the detention and transportation costs at or below inflation. Optimize the prisoner transportation network. (USMS Goal III, Objective 3.5)									
RESOURCES	Target	Actual		Projected		Changes		Requested (Total)	
	FY 2012	FY 2012		FY 2013 CR		Current Services Adjustments and FY 2014 Program Changes		FY 2014 Request	
1. Number of requests for air and ground transportation of prisoners	N/A	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Total Costs and FTE		92	\$57,575	92	\$51,895	0	\$9,861	95	\$58,576
TYPE/STRATEGIC OBJECTIVE	FY 2012	FY 2012		FY 2013 CR		Current Services Adjustments and FY 2014 Program Changes		FY 2014 Request	
Program Activity		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Performance Measure Outcome		92	\$57,575	92	\$51,895	0	\$9,861	95	\$58,576
			\$1,830		\$1,400		\$ 50		\$1,450

Notes: New metrics modified and submitted for approval

With one year of historical data available to increase the validity of unit cost estimates, FY 2013's unit transportation cost measure target was reduced to the level of \$1,400. The FY 2014 transportation unit cost target was established utilizing the new FY 2013 base and allowing for cost inflation.

A. Definition of Terms or Explanations for Indicators.

Workload:

1. JPATS receives requests to move prisoners and determines the appropriate mode of transportation (i.e., ground and/or air movement). JPATS uses the JPATS Transportation module within the JPATS Management Information System (JMIS), to schedule and track movements electronically.
- Total Workload:** The workload was modified in FY 2012 to include the number of ground, as well as air transportation requests. This gives a broader view of actions needed to facilitate prisoner movements.

Performance Measure:

In keeping with the strategic approach of DOJ, JPATS developed the following performance measure in FY 2011 and the measure reporting began in FY 2012.

1. Transportation Unit Cost

- a. **Data Definition:** The total cost per prisoner (transportation coordinated by JPATS) incurred from the prisoner's point of origin to final destination. Component costs include the cost of transporting the prisoner (by air, bus, van, and car) and the cost of housing the prisoner while in-transit. The cost of BOP-provided in-transit housing and bus transportation is included as part of the reported costs.
- b. **Data Collection and Storage:** Data describing prisoner transportation and the costs associated with transportation and housing is maintained in several databases. The USMS JPATS Management Information System (JMIS) data system maintains information describing prisoner movements such as the points of origin and final destination, how the prisoner was moved, and where the prisoner was housed, as applicable, while in-transit. JMIS also maintains information describing the cost of air movements and JPATS-coordinated ground transportation. BOP provides information describing the cost of BOP-sponsored bus transportation. The USMS Justice Detainee Information System (JDIS), and the eIGA system and other records that had been managed by OFDT, provide information describing the cost of non-federal housing. Data is maintained on each prisoner transported by JPATS. Data from the various systems is aggregated together by JMIS to determine the prisoner-specific total transportation costs.
- c. **Data Validation and Verification:** Component data is provided to JPATS by the various agencies. JPATS validates the data for completeness and to ensure that the data provided is within historical parameters.
- d. **Data Limitations:** Maintaining prisoner transportation data is a labor-intensive process. The reliability of the component data is often compromised by invalid data entry. Accordingly, labor-intensive data analysis is often required to ensure that the data provided to JPATS passes certain logical tests. Additionally, data describing the cost of BOP-sponsored transportation is based on standardized formulae provided by the BOP for calculating the cost of operating their buses. The costs of BOP-provided in-transit housing are based on BOP-reported per capita cost of operating BOP facilities, particularly the Federal Transfer Center in Oklahoma City.

- B. Factors Affecting FY 2013 and FY 2014 Plans.** The USMS and JPATS' strategic plans encompass the efforts to optimize use of the transportation network. The performance metrics capture the entire workload of transportation requests and performance related to the entire prisoner cost of transportation, including in-transit housing. Given finite resources and uncontrollable fuel prices, USMS must look for innovative solutions to create greater efficiency within the current infrastructure. The interdependence of transportation and housing precludes addressing one without the other. The measure of Transportation Unit Cost shows the cost effectiveness of strategies to reduce total transportation time, strategies to optimize routing (since there are normally several legs to the trip), strategies to maximize seat utilization, and strategies to utilize the most cost effective housing available. The demand for transportation will continue to rise with the increase in detainee population.

IV. JPATS Operating Budget

Fiscal Year (FY) 2014 Budget Estimates

Changes in the Costs of Operation

JPATS

2014

(Dollars in Thousands)

FY 2012 Budget Estimate*	59,859	
MidYear Budget 2012	55,879	
Pricing Adjustment		
Aircraft Fuel		(1,932)
Aircraft Maintenance		(466)
Aircraft Leases		646
Civilian Labor		(474)
Depreciation		(17)
JPATS Management Information System-Transportation		(722)
Medical Expenses		(137)
Other – Relocation		(1,752)
Other		(553)
FY 2013 Budget Estimate	50,472	
Pricing Adjustments:		
Aircraft Fuel		2,777
Aircraft Maintenance		1,934
Civilian Labor		995
Contract Crews		280
Increased Variable Cost - Flight Hours		551
Depreciation		(8)
Law Suit Contingency		3,152
Other		172
FY 2014 Budget Estimate	60,325	

* FY 2012 Budget Estimate includes \$57,575 Operating Level, as reported in the FY 2013 President's Budget, and \$2,384 depreciation.

Chart 1

Fiscal Year (FY) 2014 Budget Estimates
Sources of New Orders and Revenue
JPATS
2014
(Dollars in Thousands)

	<u>FY 2012</u>	<u>FY 2013</u>	<u>FY 2014</u>
1. New Orders			
a. Orders from Customers			
USMS	37,761	33,955	43,276
BOP	18,199	16,517	17,049
OFDT	1,043		
Other	130		
a. Total Orders from Customers	57,133	50,472	60,325

Chart 2

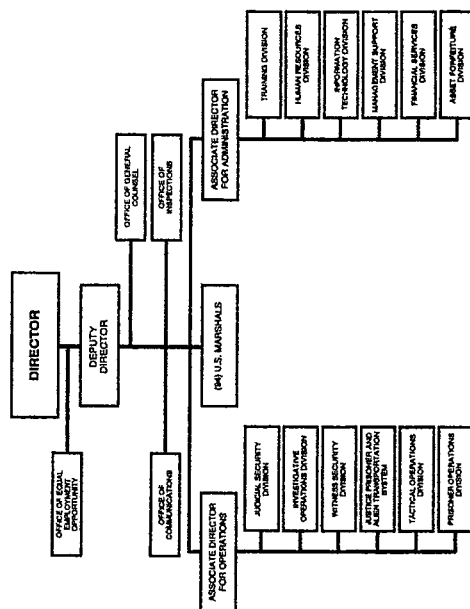
Fiscal Year (FY) 2014 Budget Estimates
Revenues and Expenses
JPATS
Financial Operations
2014
(Dollars in Thousands)

	<u>FY 2012</u>	<u>FY 2013</u>	<u>FY 2014</u>
Revenue			
Operations	57,133	50,472	60,325
Other Income			
Total Income	57,133	50,472	60,325
Expenses			
<i>Aircraft Operating Expenses</i>			
Aircraft Fuel	14,472	12,539	15,317
Aircraft Maintenance	4,798	4,333	6,266
Aircraft Leases	<u>12,027</u>	<u>12,673</u>	<u>12,627</u>
<i>Aircraft Operating Expenses Total</i>	<u>31,297</u>	<u>29,545</u>	<u>34,210</u>
<i>Labor Related Expenses</i>			
Civilian Labor	12,014	11,615	12,344
Employee Training	300	452	615
Guards, Contract Services	<u>2,459</u>	<u>2,233</u>	<u>2,545</u>
<i>Labor Related Expenses Total</i>	<u>14,773</u>	<u>14,300</u>	<u>15,504</u>
<i>Mission Support Expenses</i>			
Contract Crew	174	100	380
Aircraft Ground Spt Expenses	340	353	365
Navigation Data, Tech Periodicals	167	199	227
Medical/PHS Expenses	336	200	237
Mission Travel	<u>445</u>	<u>507</u>	<u>808</u>
<i>Mission Support Expenses Total</i>	<u>1,462</u>	<u>1,359</u>	<u>2,017</u>
<i>Non-Mission Support Expenses</i>			
Facilities Expenses	1,323	1,356	1,490
Admin & Support Expenses	1,798	1,172	1,212
Non-Cap Equip Purchases/Rental	137	85	194
Non-Mission Travel	121	380	378
Other Expenses	<u>342</u>	<u>520</u>	<u>3,573</u>
<i>Non-Mission Support Expenses Total</i>	<u>3,721</u>	<u>3,513</u>	<u>6,847</u>
Total Expenses	51,253	48,717	58,578
Operating Results	5,880	1,755	1,747
Depreciation	(1,772)	(1,755)	(1,747)
Net Operating Results	4,108	0	0
PY AOR	(5,176)	(1,068)	(1,068)
AOR Adjustments			
Accumulated Operating Results	(1,068)	(1,068)	(1,068)
Net Income from all sources	(1,068)	(1,068)	(1,068)

Chart 3

A: Organizational Chart

UNITED STATES MARSHALS SERVICE



Approved by: *[Signature]* Date: 8-13-07
 Special Agent in Charge
 Deputy Director

B. Summary of Requirements

Summary of Requirements
Justice Prisoner and Alien Transportation System
Revolving Fund
(Dollars in Thousands)

	FY 2014 Request		
	Perm. Pos	FTE	Amount
2013 Operating Level ¹	123	92	51,885
2013 Operating Level	123	95	48,717
2014 Changes to Operating Level	0	0	9,861
2014 Total Request	123	95	58,578
2012 - 2014 Total Change	0	3	6,663

¹ FY 2012 FTE is actual

Summary of Requirements
Justice Prisoner and Alien Transportation System
Revolving Fund
(Dollars in Thousands)

Program Activity	2012 Operating Level			2013 Operating Level			2014 Changes to Operating Level			2014 Operating Level		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
	123	92	51,895	123	95	48,717	0	0	9,861	123	95	58,578
Justice Prisoner and Alien Transportation System	123	92	51,895	123	95	48,717	0	0	9,861	123	95	58,578
Total	123	92	61,886	123	95	48,717	0	0	9,861	123	95	58,578

Resources by Department of Justice Strategic Goal/Objective
Justice Prisoner and Alien Transportation System
Revolving Fund
(Dollars in Thousands)

Strategic Goal and Strategic Objective	2012 Operating Level			2013 Operating Level			2014 Changes to Operating Level			2014 Operating Level		
	Direct/ Reimb/ FTE	Amount		Direct/ Reimb/ FTE	Amount		Direct/ Reimb/ FTE	Amount		Direct/ Reimb/ FTE	Amount	
Goal 3 Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal and International Levels.												
3.2 Protect judges, witnesses, and other participants in federal proceedings; apprehend fugitives; and ensure the appearance of criminal defendants for judicial proceedings or confinement.												
Subtotal, Goal 3	92	51,885	95	92	48,717	0	9,861	95	95	95	59,578	
	92	51,885	95	92	48,717	0	9,861	95	95	95	59,578	
TOTAL	92	51,885	95	92	48,717	0	9,861	95	95	95	59,578	

Crosswalk of 2012 Availability
Justice Prisoner and Alien Transportation System
Revolving Fund
(Dollars in Thousands)

Program Activity	2012 Initial Availability			Reprogramming/Transfers			Carryover		Recoveries/Refunds		2012 Actual	
	Pos.	FTE	Amount	Pos.	FTE	Amount	Amount	Amount	Amount	Pos.	FTE	Amount
Justice Prisoner and Alien Transportation System	123	92	57,594	0	0	0	0	34,052	1,522	123	92	93,168
Total	123	92	57,594	0	0	0	0	34,052	1,522	123	92	93,168

Carryover:

Includes the mandatory CORPUS balance and carryover reimbursable obligation authority.

Recoveries/Refunds:

JPATIS is a revolving fund and prior year recoveries are reapportioned and used in current year operations.

Crosswalk of 2013 Availability
Justice Prisoner and Alien Transportation System
Revolving Fund
(Dollars in Thousands)

Program Activity	FY 2013 Initial Availability			Reprogramming/Transfers			Carryover		Recoveries/ Refunds		2013 Availability		
	Pos	FTE	Amount	Pos	FTE	Amount	Amount	Amount	Amount		Pos	FTE	Amount
	123	95	50,573				41,273	438	123	95	123	95	92,384
Justice Prisoner and Alien Transportation System													
Total Direct	123	95	50,573	0	0	0	41,273	438	123	95	123	95	92,384

Carryover:

Includes the mandatory CORPUS balance and carryover reimbursable obligation authority.

Recoveries/Refunds:

JPATS is a revolving fund and prior year recoveries are reapportioned and used in current year operations.

H. Summary of Reimbursable Resources

Summary of Reimbursable Resources
Justice Prisoner and Alien Transportation System
Revolving Fund
(Dollars in Thousands)

Collections by Source	2012 Operating Level			2013 Operating Level			2014 Operating Level			Increase/Decrease		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
United States Marshals Service	0	0	37,761	0	0	33,955	0	0	43,276	0	0	9,321
Bureau of Prisons	0	0	18,198	0	0	16,517	0	0	17,049	0	0	532
Office of the Federal Detention Trustee	0	0	1,043	0	0	0	0	0	0	0	0	0
State, Local, and Department of Defense	0	0	131	0	0	0	0	0	0	0	0	0
Total Collections by Source	123	92	57,133	123	95	50,472	123	95	60,325	0	0	9,853

I. Detail of Permanent Positions by Category

Detail of Permanent Positions by Category
Justice Prisoner and Alien Transportation System
Revolving Fund
(Dollars in Thousands)

Category	2012 Operating Level		2013 Operating Level		2014 Operating Level	
	Reimb. Pos.	Total Reimb. Pos.	Reimb. Pos.	ATBs	Total Reimb. Pos.	ATBs
Clerical and Office Services (303-399)	23	23	23	4	19	19
Accounting and Budget (500-599)	10	10	10	0	10	10
Paralegals (600-699)	4	4	4	2	2	2
Attorneys (700-799)	1	1	1	0	1	1
Business & Industry (1100-1199)	5	5	5	0	5	5
Miscellaneous Inspectors Series (1802)	16	16	16	8	8	8
Criminal Investigative Series (1811)	4	4	4	0	4	4
Quality Assurance, Inspection & Grading Group (1900 - 1999)	2	2	2	0	2	2
Transportation Group (2100-2199)	51	51	51	45	45	45
Information Technology Mgmt. (2210)	7	7	7	7	0	7
Total	123	123	123	8	115	115
U.S. Field	123	123	123	0	123	123
Total	123	123	123	0	123	123

Summary of Requirements by Grade
Justice Prisoner and Allen Transportation System
Revolving Fund
(Dollars in Thousands)

Grades and Salary Ranges	2012 Operating Level		2013 Operating Level		2014 Operating Level		Increase/Decrease	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
SES/SL	1	179,700	1	0	0	0	0	0
GS-15	6	165,500	6	0	0	0	0	0
GS-14	11	138,771	11	0	0	0	0	0
GS-13	42	115,742	42	0	0	0	0	0
GS-12	18	97,333	19	0	0	0	0	0
GS-11	14	81,204	14	0	0	0	0	0
GS-10	1	73,917	1	0	0	0	0	0
GS-9	11	67,114	11	0	0	0	0	0
GS-8	7	60,785	7	0	0	0	0	0
GS-7	11	54,875	11	0	0	0	0	0
GS-5	1	44,293	0	0	0	0	0	0
Total Appropriated Positions	123	172,674	123	0	0	0	0	0
Average SES Salary		172,674		173,537		175,609		
Average GS Salary		79,255		82,185		84,953		
Average GS Grade		12		12		12		

L. Summary of Requirements by Object Class

Summary of Requirements by Object Class
Justice Prisoner and Alien Transportation System
Revolving Fund
(Dollars in Thousands)

Object Class	2012 Operating Level		2013 Operating Level		2014 Operating Level		Increase/Decrease	
	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	FTE	Amount
11.1 Full-Time Permanent	92	8,180	95	8,331	95	8,703	0	372
11.3 Other than Full-Time Permanent	0	0	0	0	0	0	0	0
11.5 Other Personnel Compensation	0	798	0	673	0	772	0	98
<i>Overtime</i>	0	604	0	523	0	640	0	177
<i>Other Compensation</i>	0	194	0	150	0	132	0	-18
11.8 Special Personal Services Payments	0	2,459	0	2,233	0	2,545	0	312
Total	92	11,437	95	11,237	95	12,020	0	783
Other Object Classes								
12.0 Personnel Benefits	0	3,036	0	2,611	0	2,888	0	257
21.0 Travel and Transportation of Persons	0	613	0	580	0	1,186	0	299
22.0 Transportation of Things	0	40	0	10	0	11	0	1
23.2 Rental Payments to Others	0	802	0	808	0	843	0	35
23.3 Communications, Utilities, and Miscellaneous Charges	0	265	0	393	0	481	0	88
25.1 Advisory and Assistance Services	0	1,732	0	1,058	0	1,328	0	270
25.2 Other Services from Non-Federal Sources	0	5,583	0	5,324	0	10,594	0	5,260
25.3 Other Goods and Services from Federal Sources	0	447	0	308	0	388	0	79
25.4 Operation and Maintenance of Facilities	0	386	0	181	0	171	0	-10
25.7 Operation and Maintenance of Equipment	0	12,027	0	12,673	0	12,627	0	-46
26.0 Supplies and Materials	0	15,390	0	13,160	0	15,896	0	2,736
31.0 Equipment	0	127	0	66	0	175	0	109
Total Obligations	0	51,895	0	48,717	0	58,578	0	9,861
Subtract - Unobligated Balance, Start-of-Year	0	34,052	0	41,273	0	41,273	0	0
Subtract - Recoveries/Refunds	0	-1,522	0	0	0	-41,273	0	0
Add - Unobligated End-of-Year, Available	0	41,273	0	41,273	0	41,273	0	0
Total Direct Requirements	0	57,594	0	48,717	0	58,578	0	9,861
Reimbursable FTE	0		0		0		0	
Full-Time Permanent	92		95		95		0	

Note: MAX A-11 reflects \$85.1M total obligations to match the initial operating plan that includes carryover balances.

O: Schedule of Aircraft

Schedule of Aircraft
Justice Prisoner and Alien Transportation System
Revolving Fund
(Dollars in Thousands)

Type of Aircraft (Passenger Capacity)	End-of-Year Inventory	2012			2013			2014			
		Acquired	Disposed	End-of Year	Acquired	Disposed	End-of Year	Acquired	Average Cost (\$000)	Disposed	End-of Year
Direct Purchase:	2.0	0.0	0.0	2.0	0.0	0.0	2.0	0.0	0.0	0.0	2.0
Jet Engine (8-10)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Jet Engine (120)*	1.0	0.0	0.0	1.0	0.0	0.0	1.0	0.0	0.0	0.0	1.0
Turbo-Prop (50-60)	1.0	0.0	1.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Turbo-Prop (10-20)**	4.0	0.0	1.0	3.0	2.0	0.0	5.0	0.0	0.0	0.0	5.0
Subtotal, Purchased											
Leased:	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Turbo-Prop (11)	2.0	0.0	0.0	2.0	0.0	2.0	0.0	0.0	0.0	0.0	0.0
Jet Engine (120-140)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Jet Engine (10)	2.0	0.0	0.0	2.0	0.0	2.0	0.0	0.0	0.0	0.0	0.0
Subtotal, Leased											
Seized or No Cost											
Excess:	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Single-Engine (3)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Twin-Engine (6)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Turbo Prop (50)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Jet Engine (120)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Jet Engine (75)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Jet Engine (8)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Jet Engine (10)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Subtotal, Seized											
Total Aircraft	6.0	0.0	1.0	5.0	2.0	2.0	5.0	0.0	0.0	0.0	5.0

* Note - Purchase Pending

** Note - Beechcraft sold in FY 2012.

**United States Marshals Service
FY 2014 Performance Budget
President's Budget Submission**

Federal Prisoner Detention Appropriation



April 2013

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I. Overview

A. Introduction

In FY 2014, the Federal Prisoner Detention (FPD) Appropriation requests a total of \$1,635,538,000, 27 positions and 19 FTE to provide housing, transportation and care for federal detainees housed in non-federal detention facilities.

The request includes a technical adjustment of \$1,580,595,000 to reflect the transfer of the Office of the Federal Detention Trustee (OFDT) to the FPD account. It also includes adjustments-to-base of \$68,000 and program increases of \$54,875,000. An \$80 million cancellation of prior year balances is proposed for the OFDT appropriation. The request by strategic goal follows:

DOJ Strategic Goal	FPD Program Activity	Budget Request
3.3	Detention Services	\$1,590,388,000
3.2	JPATS Transportation	45,150,000
Total Request		\$1,635,538,000
2014 Balance Cancellation		-80,000,000
2014 Total Request (with Balance Cancellation)		1,555,538,000

Electronic copies of the Department of Justice's (DOJ) Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address:

<http://www.justice.gov/02organizations/bpp.htm>

FPD's budget request supports an average daily population (ADP) of 62,131. The projected detention population is largely the result of a moderating growth rate for the number of persons arrested by the federal law enforcement agencies and decreases in 1) the proportion of defendants detained by the courts for more than four days and 2) the length of time defendants are detained pending adjudication and subsequent transfer to the Bureau of Prisons (BOP).

Based on current data, the detention population's growth rate of arrests and bookings will be slower than the rate observed historically. However, immigration enforcement on the Southwest Border will continue through FY 2014, primarily resulting in a continued increase in the number of persons arrested for immigration offenses.

B. Background

In FY 2013, the U.S. Marshals Service (USMS) and the OFDT began the process of merging detention operations into the USMS. The merger aligns the accountability of resources with the responsibility of federal detention operations under a single command and control structure within the USMS leadership. Currently, the OFDT is operating

under a continuing resolution. However, in FY 2014, the OFDT will become the FPD account under the USMS. USMS will continue to expand upon OFDT's successes in achieving efficiencies, cost reductions and cost avoidances in detention through process and infrastructure improvements. The care of federal detainees in private, state, and local facilities and the costs associated with these efforts will be funded from the FPD appropriation.

For FY 2014, the FPD budget will continue to reflect the strategies and performance goals established by the OFDT as well as support the USMS's strategic goals and performance measures for detention. USMS will continue the efforts that have proven effective to contain and manage detention costs and to employ the strategies that support FPD's performance goals.

USMS's detention resource needs are directly impacted by law enforcement and prosecutorial priorities. Linking law enforcement initiatives with detention funding requests is key to providing Congress with accurate information for budget forecasting, cost containment and effective results.

As federal law enforcement agencies increase their efforts, USMS must ensure sufficient resources are available to house and care for the corresponding detainees. This objective is made even more challenging given the limited detention space available. While fluctuations in the ADP are outside of USMS direct control, USMS will continue to coordinate the acquisition of sufficient detention space in the most cost efficient manner.

C. FY 2014 Budget Request by Strategic Goal

The FPD budget is aligned with DOJ and USMS strategic goals and objectives. The FPD account is defined by two program activities: 1) Detention Services and 2) JPATS Transportation. Each program activity identifies the related performance objectives as well as related resources. This information, along with critical performance targets and workload projections, is included in the Performance and Resource Table (See p. 21). The alignment of DOJ and USMS strategic goals and objectives and program activities is detailed below.

DOJ Strategic Goal 3: Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal, and International Levels

DOJ Objective 3.2 - Protect judges, witnesses, and other participants in federal proceedings, and ensure the appearance of criminal defendants for judicial proceedings or confinement

DOJ Strategy - Transport prisoners securely and efficiently

FPD Program Activity: JPATS Transportation

FPD Performance Goal 1: Meet the Nation's Detention Requirements in the most economical manner

USMS Strategic Goal 3: Optimize National Detention Operations With Well-Established Business Practices That Achieve Cost Effective, Safe, Secure, And Humane Confinement And Transportation

DOJ Objective 3.3 - Provide for the safe, secure, humane, and cost-effective confinement of detained persons awaiting trial and/or sentencing, and those in the custody of the federal prison system

DOJ Strategy - Ensure adequate, cost-effective prison and detention capacity

FPD Program Activity: Detention Services

FPD Performance Goal 1: Meet the Nation's Detention Requirements in the most economical manner

FPD Performance Goal 2: Ensure safe, secure, and humane confinement

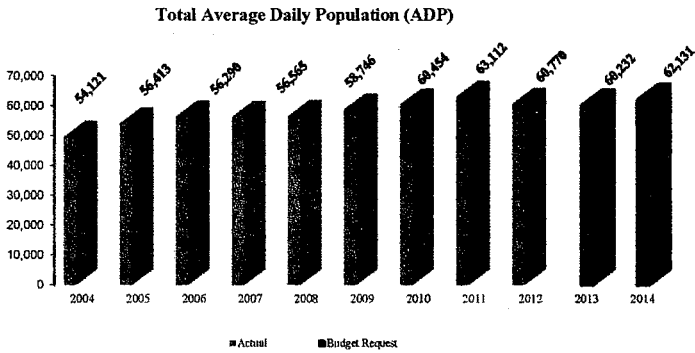
USMS Strategic Goal 3: Optimize National Detention Operations With Well-Established Business Practices That Achieve Cost Effective, Safe, Secure, And Humane Confinement And Transportation

C.1 Budget Request - Detention Services/DOJ Strategic Goal 3 (Objective 3.3)

FY 2014 Request: FPD's request includes \$1,590,388,000 in appropriated resources for detention services. This amount includes \$1,436,921,000 for housing and subsistence of detainees. Program costs for health care and medical guards are \$101,043,000 and \$24,014,000, respectively. Also included in the total cost for this program activity is \$24,682,000 for intra-district transportation and \$3,728,000 for incidental costs associated with prisoner housing and transportation such as prisoner meals while in transit, prisoner clothing, and parking for government vehicles.

Adjustments-to-base: \$68,000 for pay and benefits adjustments and facilities costs (See Exhibit B, E)

Program Increases: \$54,875,000 for increase in costs associated with housing new federal detainees. (See Exhibit B, J)

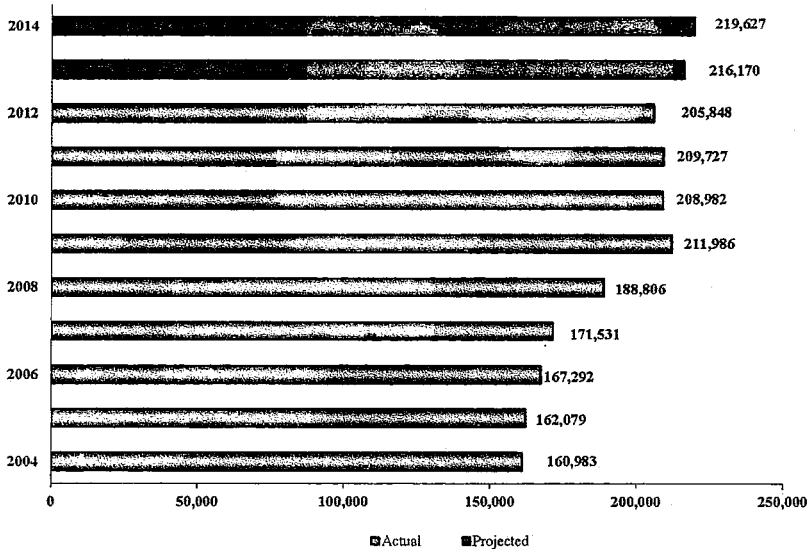


ADP Projections: Based on estimated bookings and time-in-detention, the ADP is currently projected to be 62,131 for FY 2014. The ADP is dependent upon the number of persons arrested by the federal law enforcement agencies coupled with the length of time defendants are detained pending adjudication, release, or subsequent transfer to the BOP following conviction and sentencing. Continuing initiatives, such as fast-tracking the prosecution of selected offenses, expediting the designation and transfer of sentenced prisoners to BOP correctional institutions, and utilizing detention alternatives, have proven successful at reducing detention time and housing costs. The USMS continues to seek ways to achieve additional cost savings.

The type of offense impacts heavily on the time-in-detention; therefore, shifts in the projected number of people arrested by offense will likely impact the projected overall time-in-detention. The USMS has observed that overall time-in-detention has decreased as a result of the increased population of immigration offenders referred for prosecution. Immigration defendants, on average, are housed for less than half the time of those charged with drug, violent, and weapons offenses.

The most significant growth in detention over the last nine years has been along the SWB, largely due to increases in law enforcement and litigating resources devoted to the region for immigration-related offenses. In the SWB Emergency Supplemental for FY 2010, the Department of Homeland Security (DHS) received funding to hire additional Border Patrol officers and for law enforcement activities targeted at reducing the threat of drugs and violence along the SWB. The U.S. Attorneys (USA) also received funding to increase prosecutions along the SWB. The USMS recognizes that the increases for DHS and USA will increase the challenges to the detention program. A critical part of supporting these priorities is adjusting detention capacity to manage the increasing SWB arrests and prosecutions.

Persons Booked by USMS



Detention Population Forecasting Model

A Detention Population Forecasting Model is used to take a statistical approach for predicting detention needs using factors such as population, demographic trends, number and type of criminal cases processed, average processing time per type of case, and authorized/requested positions of federal law enforcement, U.S. Attorneys, U.S. District Court judges, and immigration judges. These factors allow for the development of impact scenarios that address proposed legislation, known DOJ law enforcement initiatives and current activities. The projections are based on the past performance and behavior of the players involved. Any shift in behavior may alter the outcome.

The primary drivers of detention expenditures are the number of prisoners booked by the USMS and the length of time those prisoners are held in detention. However, both of these factors are directly influenced by the activities and decisions of federal law enforcement, U.S. Attorneys, and the federal judiciary. Accordingly, the USMS regularly monitors – and tries to anticipate – changes in federal law enforcement priorities and the number of on-board staff.

Nowhere has the impact of changing law enforcement priorities on detention expenditures been more observable than with the implementation of zero tolerance immigration enforcement policies along the Southwest Border. Prior to the implementation of these policies in December 2005, fewer than 40,000 persons were arrested and booked annually for criminal immigration offenses. Since implementation, the number of annual bookings for criminal immigration offenses has more than doubled, increasing to 92,000 during fiscal year 2012. The USMS anticipates that bookings for

immigration offenses will continue to increase through FY 2014, from approximately 92,000 to 98,000.

The impact of the added immigration bookings has been mitigated by policies adopted by the U.S. Attorneys, DHS, and the federal judiciary to fast-track these cases through the criminal justice process. While the average time-in-detention for immigration offenses had been more than 100 days, the fast-tracking policies have reduced that average time-in-detention to less than 80 days, during FY 2012. The reduction in detention time has offset some of the impact of the unanticipated increase in bookings.

The FY 2014 projection assumes that law enforcement and prosecutorial priorities will remain for immigration at the Southwest Border. Because the USMS projection model is largely based on past behavior, the following chart illustrates the **potential impact** of unplanned bookings by offense:

Impact of Increased Bookings Beyond the Fiscal Year 2014 Population Projections

	Prisoner Bookings		Total ADP	Projected Cost Increase
	Total	Increase Above Current Projection		
Bookings for Drug Offenses				
Baseline	31,279		62,131	
+5%	32,879	1,600	62,709	\$11,489,904
+10%	34,479	3,200	63,285	\$22,912,551
+25%	39,280	8,001	65,016	\$57,339,236
+50%	47,281	16,002	67,902	\$114,675,429
+75%	55,282	24,003	70,787	\$172,014,666
Bookings for Weapons Offenses				
Baseline	8,329		62,131	
+5%	8,764	435	62,280	\$2,944,973
+10%	9,199	870	62,428	\$5,887,251
+25%	10,504	2,175	62,873	\$14,712,923
+50%	12,679	4,350	63,615	\$29,397,217
+75%	14,854	6,525	64,357	\$44,107,786
Bookings for Immigration Offenses				
Baseline	87,444		62,131	
+5%	92,093	4,649	62,719	\$11,345,617
+10%	96,742	9,298	63,304	\$22,614,390
+25%	110,688	23,244	65,067	\$56,593,351
+50%	133,933	46,489	67,996	\$113,064,700
+75%	157,177	69,733	70,930	\$169,631,694

Capital Improvement Program (CIP): The USMS is continuing to develop the CIP into a more comprehensive program to address detention space needs in critical areas. The program offers various contractual vehicles to provide federal funding to state and local authorities for the expansion, renovation, and construction of jails or the acquisition of equipment, supplies, or materials. The program consists of two parts: the Cooperative Agreement Program (CAP) and Non-Refundable Service Charge Contract (NSCC).

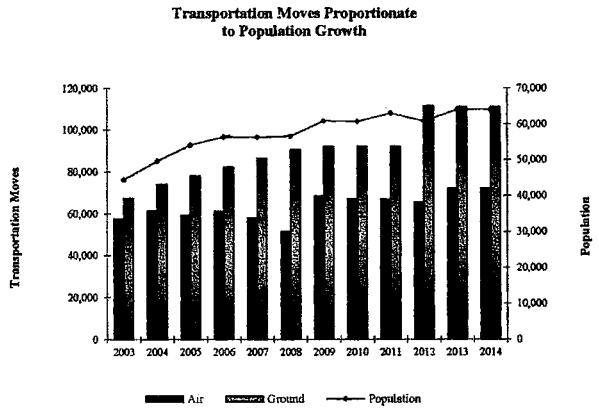
CAP provides federal resources to select state and local governments to renovate, construct, and equip detention facilities in return for guaranteed bed space for a fixed period of time for federal detainees in or near federal court cities. NSCC allows the USMS to directly contract with state and local governments providing up-front funding for renovation or construction of jails to house federal detainees in exchange for guaranteed bed space at a fixed rate. The NSCC is based on a similar program used by BOP to obtain space in critical need areas. The program is subject to the guidelines set by the Federal Acquisition Regulation (FAR) and will allow FPD to meet federal detention housing needs by directly infusing resources into participating state and local facilities.

During fiscal year 2010, in exchange for a \$20 million Capital Improvement Program (CIP) award, OFDT entered into an intergovernmental agreement with the State of Maryland to use up to 500 beds at the Maryland Correctional Adjustment Center (now Chesapeake Detention Facility) in Baltimore, MD. The facility is in close proximity to the federal district court in Baltimore, MD and provided for dedicated and guaranteed detention space for prisoners held in USMS custody in the District of Maryland. Given that the USMS has full utilization of the facility at a fixed operating cost, the effective per diem rate was reduced from \$198 to approximately \$131. Over a 20-year period, this CIP award will result in estimated \$40 million cost avoidance for basic prisoner housing while providing dedicated detention space in a metropolitan area without requiring construction.

C.2 Budget Request – Justice Prisoner and Alien Transportation System Transportation (JPATS)/DOJ Strategic Goal 3 (Objective 3.2)

FY 2014 Request: FPD's request includes \$45,150,000 for JPATS prisoner transportation. This amount includes \$39,393,000 for air transportation and \$5,757,000 for transportation support to the airlift.

FY 2013 Transportation Moves: Transportation needs are related to the distances between courts, district offices, JPATS airlifts, medical facilities, and prisons. JPATS continues to be a critical tool in the safe, efficient, and cost-effective movement of USMS detainees and sentenced prisoners, prisoners requiring medical attention, and high-threat prisoners requiring a higher level of security. As the number of detainees and facilities has grown, so has the need for transportation.



D. Full Program Cost

Full Program Cost by Program Activity		
Program Activity	Dollars in Thousands	
Detention Services	Housing & Subsistence	\$1,436,921
	Health Care Services	101,043
	Medical Guards	24,014
	Transportation	24,682
	Other	3,728
	Subtotal	1,590,388
JPATS Transportation	JPATS	45,150
Total Request		\$1,635,538
2014 Balance Cancellation		-80,000
Total Request (with Balance Cancellation)		\$1,555,538

Full program costs include resources for housing, care, and transportation of detainees as well as activities that help improve the detention infrastructure and contain costs (see p. 15-20) for detail on detention activities). Investment in the detention infrastructure will enable the USMS to effectively drive efficiencies and manage the detention appropriation.

USMS continues to implement efficiencies through computer programs including: eDesignate, which reduces post-sentencing time in detention; eIGA, which standardizes the pricing strategy for non-federal detention space, controlling costs and providing greater certainty in rates to be paid; and the Quality Assurance Program, which ensures

that private and Intergovernmental Agreement (IGA) facilities meet DOJ requirements for safe, secure and humane confinement. Fundamental to these programs is shared data and the integration of information technology systems such as the USMS Justice Detainee Information System (JDIS) and the JPATS Management Information System (JMIS).

E. Mission Challenges

The internal and external mission challenges are incorporated into Section IV Program Activity Justification (See p. 15-35).

F. Environmental Accountability

Beginning in FY 2010, detention contracts were designed to meet the new BioPreferred federal program requirements. The USDA BioPreferred Program has identified more than 15,000 bio-based products commercially available across approximately 200 categories. Each contractor submits an annual report that reflects the percentage of BioPreferred products used within the detention facility. These reports allow the USMS to determine if contractors are using these products and to establish goals for each product used.

When the USMS contracts for new detention space, the procurement is conducted in compliance with the National Environmental Policy Act (NEPA). NEPA requires federal agencies to examine the impact of agency actions on the environment. The examination determines if there are any endangered species that will be affected, potential hazardous toxin emissions that could harm water supply, traffic patterns, etc., leading to the development of mitigation plans in conjunction with private service providers.

II. Summary of Program Changes

Item Name	Description				Page
		Pos.	FTE	Dollars (\$000)	
Housing and Subsistence of USMS Detainees	Increase in operating cost to sustain detention operations	0	0	54,875	36

III. Appropriation Language

U.S. Marshals Service

Federal Prisoner Detention

For necessary expenses related to United States prisoners in the custody of the United States Marshals Service as authorized by 18 U.S.C. 4013, \$1,635,538,000, to remain available until expended: Provided, That not to exceed \$20,000,000 shall be considered "funds appropriated for State and local law enforcement assistance" pursuant to 18 U.S.C. 4013(b): Provided further, That the United States Marshals Service shall be responsible for managing the Justice Prisoner and Alien Transportation System: Provided further, That the unobligated balances remaining under the heading "General Administration, Detention Trustee" after the cancellation of funds therein shall be transferred to and merged with this account.

Note. – A full-year 2013 appropriation for this account was not enacted at the time the budget was prepared; therefore, this account is operating under a continuing resolution (P.L. 112-175). The amounts included for 2013 reflect the annualized level provided by the continuing resolution

Office of the Federal Detention Trustee

(cancellation)

Of the unobligated balances from prior year appropriations available under this heading, \$80,000,000 are hereby permanently cancelled: Provided, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Note. – A full-year 2013 appropriation for this account was not enacted at the time the budget was prepared; therefore, this account is operating under a continuing resolution (P.L. 112-175). The amounts included for 2013 reflect the annualized level provided by the continuing resolution

Analysis of Appropriations Language

The Federal Prisoner Detention appropriation is being established under the USMS. The FY 2013 request proposed to delete the OFDT appropriation and merge detention functions currently performed by OFDT into USMS under the FPD account. This is an efficiency improvement. USMS and OFDT have begun the merger process.

IV. Program Activity Justification

Federal Prisoner Detention Budget Request	Perm. Pos.	FTE	Amount (S000)
2012 Enacted	27	27	1,580,595
2013 Continuing Resolution with 0.612% Increase	27	19	1,590,268
Base and Technical Adjustments	27	19	1,580,663
2014 Current Services	27	19	1,580,663
2014 Program Increases	0	0	54,875
2014 Request	27	19	1,635,538
2014 Balance Rescission	0	0	-80,000
2014 Total Request (with Balance Rescission)	27	19	1,555,538
Total Change 2012-2014	27	19	\$54,943

FPD Information Technology Breakout (of Decision Unit Total)	Perm. Pos.	FTE	Amount (S000)
2012 Enacted	0	0	6,754
2013 Continuing Resolution with 0.612% Increase	0	0	6,795
Base and Technical Adjustments	0	0	6,511
2014 Current Services	0	0	6,511
2014 Request	0	0	6,511
Total Change 2012-2014	0	0	243

A. Program Description

A.1 Detention Services

Detention resources provide the housing, transportation, medical care, and medical guard services for federal detainees remanded to USMS custody. FPD resources are expended from the time a prisoner is brought into USMS custody through termination of the criminal proceeding and/or commitment to BOP.

The federal government relies on various methods to house detainees. Detention bed space for federal detainees is acquired “as effectively and efficiently as possible” through: 1) federal detention facilities, where the government pays for construction and subsequent operation of the facility through the BOP; 2) Intergovernmental Agreements (IGA) with state and local jurisdictions who have excess prison/jail bed capacity and receive a daily rate for the use of a bed; 3) private jail facilities where a daily rate is paid per bed; and, 4) CIP, which includes the CAP and the NSCC contract, where capital investment funding is provided to state and local governments for guaranteed detention bed space in exchange for a daily rate negotiated through an IGA.

In recent years, DOJ has not been able to rely as much on IGAs and federal facilities to meet the increase in the detention population, primarily because state and local governments are increasingly using their facilities for their own detention requirements and no new federal detention facilities have been built since 2000. By 2014 it is expected

that the capacity of the federal facilities will accommodate only 18% of the USMS detention population. By contrast, during FY 2000, federal facilities housed approximately 30% of the USMS detention population. With space unavailable in areas where more federal bed space is needed, DOJ has increasingly had to rely on the private sector.

The USMS uses Regional Transfer Centers (RTC) and Ground Transfer Centers (GTC) to assist in reducing the bottleneck of prisoner transportation through the Federal Transfer Center (FTC) in Oklahoma City, OK. The RTCs and GTCs provide cost-effective, short-term detention beds to facilitate the movement of prisoners and allow for by-passing the FTC. Working in close coordination with JPATS, the RTCs and GTCs provide additional bed-space and transportation infrastructure to accelerate movement for those prisoners waiting to go to their designated BOP facilities.

Detention Services Efficiencies: A more detailed discussion of accomplishments, efficiencies and cost containment measures is provided in *Section C: Performance, Resources, and Strategies* (See p. 26-33).

A.2 JPATS Transportation

JPATS is responsible for the efficient movement of federal prisoners and detainees by air as well as coordination of ground movements, including movements for sentenced prisoners, pretrial detainees, and criminal aliens in the custody of the USMS and BOP. JPATS operates as a revolving fund activity with total operating costs reimbursed by customer agencies. Reimbursement is calculated using a cost-per-flight-hour methodology that identifies costs that are inclusive to each customer agency, differentiates the costs by fixed and variable rates, and establishes the hourly costs for large and small aircraft usage per location.

JPATS Efficiencies: JPATS receives over 500 requests daily to move prisoners between judicial districts, correctional institutions, and other locations. RTCs were established to facilitate the movement of sentenced prisoners to their designated correctional institutions by:

- expanding the transit infrastructure;
- reducing in-transit time;
- expanding ground transportation capabilities;
- decreasing reliance on the Federal Transfer Center (FTC) by strategic placement of housing near airlift sites;
- freeing bed space in highly impacted districts by expediting moves;
- assisting in addressing BOP prisoner capacity demands; and
- reducing detention costs.

The USMS continues to lead optimization efforts to improve performance in the delivery of JPATS services and gain efficiencies in both time and cost. Central to new JPATS program initiatives is the data and analysis possible through the implementation of the

JPATS Management Information System (JMIS). Data is now available that helps to identify areas impeding efficiency and drive program improvement through performance measurement and monitoring.

Scheduling

JMIS captures how long it takes to process the request for transportation and the reasons for any time delay. The reasons for a scheduling backlog vary from lack of bed space to medical issues. Trending the data will yield information critical to quantifying bed space and other issues affecting route patterns and maximum seat utilization.

Routing and In-Transit Cost

Once the JMIS Assisted Routing & Scheduling (JARS) module is complete (expected implementation 3rd quarter 2013), JPATS will have the capability to suggest various transportation routes taking into consideration prisoner rankings, points-of-origin, and in-transit housing costs to create the most efficient routes in terms of time and cost. The analysis is much too complex to achieve through current manual methods.

Flight Delays

JMIS is now able to identify and track the various factors affecting on-time flight departures. Reasons for delays include failure to produce detainees on-time, lack of accompanying paper work, and mechanical or weather issues. Once a baseline is established and trends are identified, performance measures will be implemented with the cooperation from partner agencies to track each responsible component's impact on flight departure and drive improvement through aggressive monitoring and management.

A.3 Detention Management Services Automation

Through an integration of support provided by the Office of the Chief Information Officer (OCIO) and the Prisoner Operations Division (POD) Detention Management Services (DMS) team, the USMS will continue to identify process automation opportunities, design support solutions, and invest in Information Technology Infrastructure to facilitate improved efficiencies through process automation and when appropriate the integration of existing detention systems and services.

Key detention automation programs that continue to drive mission efficiencies include the cross-agency initiatives of eDesignate and the DSNetwork.

eDesignate: eDesignate is a secure, electronic, web-based system that completely automates the sentence to commitment process by transferring data and documents electronically. eDesignate includes eMove, a transportation module that allows the USMS to submit a movement request electronically.

Since 2008, eDesignate has been fully operational in the 94 U.S. Federal Court districts. eDesignate is the enterprise technology solution used by the U.S. Courts, USMS, and BOP for the designation process and JPATS movement requests for federal prisoners.

eDesignate eliminates the paper process and creates a faster, more transparent and effective workflow across agencies. Specifically, automated detainee data sharing for the purpose of designation and movement eliminates redundant efforts, saves time, reduces errors, provides better visibility of the process, enables better problem resolution across agencies and provides the information necessary to manage more effectively.

eDesignate enables the BOP to complete sentence computations and designations and returns disposition to the USMS. Based on the length of sentence, the USMS either maintains custody of the detainee until the sentence is served, in the case of a short sentence, or prepares the prisoner for movement to the commitment location. Delivering the necessary documents and data in one complete package to the BOP via a secure system, eDesignate enables all agencies to monitor and provide relevant information to shorten the post-sentence process, thereby saving detention costs.

Finally, eDesignate monitors performance objectives and metrics within and across agencies as well as gives managers the ability to watch and react to operational issues and trends. Managing and monitoring the Sentence to Commitment (S2C) process via eDesignate has reduced the average number of days detainees are in the S2C pipeline and ultimately resulted in a cost avoidance of \$25 million in detention housing per year.

eMove: In 2008, USMS in cooperation with JPATS, implemented in all 94 USMS districts, the eDesignate Movement Request (eMove). eMove provides a seamless transition from eDesignate to complete the full automation of the sentence to commitment process. It gives USMS the ability to submit and monitor web-based movement requests to JPATS and streamlines the workflow among participating agencies by fully automating the federal detainee transportation process, thereby reducing the time from designation to commitment.

In February 2012, an enhancement to the eMove Transportation Module was released nationwide. This enhancement enables eMove to assist districts in scheduling and managing all in-district Judgment and Commitment (J&C) detainee moves. This module allows USMS to submit routine out-of-district movement requests, such as Federal Writs, Attorney Special Requests, Warrant of Removals, etc., to JPATS. eMove enables districts to submit and manage all prisoner movement information and data seamlessly in one central system.

USMS now has the ability to centrally manage in-district moves, which will allow USMS to develop performance objectives and measure the operational effectiveness of how and when prisoners are moved. Because USMS is now able to monitor this effort, they will be able to determine the movements that will reduce time-in-detention, thus reducing detention costs.

ePMR: The electronic Prisoner Medical Request (ePMR) system serves to provide a workflow for medical designations. ePMR was implemented in all 94 USMS districts in 2010. The system streamlines and automates the approval process for requests for detainee medical services from USMS district offices to the Office of Interagency

Medical Services (OIMS). ePMR not only eliminated the paper-based request and approval system previously in place, but creates the ability to automatically capture relevant detainee data from other agency systems.

ePMR works seamlessly with existing systems and reduces the work associated with data entry, storage, and reduces costs associated with paper/printer usage. The electronic solution presents relevant data and documents in one complete package to OIMS at USMS headquarters at a single point in time. The system also provides feedback mechanisms across USMS offices for faster case resolution. Additionally, ePMR not only provides users within districts with a level of collaboration never before realized, but also enables managers to adjust workloads internally, monitor performance and audit status both internally and externally.

Detention Services Network (DSNetwork): The concept of the Detention Services Network (DSNetwork) is that of a multifaceted, full-service internet site for detention services. The goal of DSNetwork is to improve interaction between government agencies and service providers as well as reduce workload. The vision of the DSNetwork site is to provide information to authorized detention stakeholders regarding procurement and to share detention quality assurance information and other relevant detention facility data. The detention services offerings continue to be developed and implemented as detention needs arise. The following modules exist or are planned:

- ***Electronic Intergovernmental Agreement (eIGA)***

The eIGA system was successfully deployed in 2008 to manage the interaction between facility providers offering detention services and a federal agency. eIGA automates the application process by enabling a facility to provide essential information via a secure, web-based system and then provides the government with a reliable and justifiable structure for negotiation. The system streamlines the former paper-based process, tracks the negotiation between detention provider and the government, and provides audit and reporting tools.

- ***Facility Review Management System (FRMS)***

The FRMS is a web-based application developed to facilitate, standardize, record, and report the results of Quality Assurance Reviews (QAR) performed on private contracts and high-volume IGAs, as well as other IGA facilities. Since its implementation, FRMS has been utilized successfully in numerous QARs. Most recently, a reports module has been developed to provide the Detention Standards and Compliance Division with data and trend analysis information. In 2008, FRMS was chosen to receive the Attorney General's Award for Information Technology Excellence based on its innovative concept, successful implementation and continued program success.

- ***My Facility/Facility Information***

My Facility is the module that will enable detention providers with IGAs to view and update their facility information as necessary. Facility information is

currently available for detention agencies with approved access to search and view attributes of facilities including location, services provided, certifications, etc. The vision of My Facility/Facility Information is to provide timely and accurate information required by detention agencies and stakeholders, including QAR reports, to enable them to make prudent detention-related decisions.

The following represents FPD's Information Technology Program Base:

Information Technology Base for FY 2014 (Dollars in Thousands)	
Workflow Systems (OWS)	6,511

B. Performance Resources Table

Workload/Resources		Target		Actual		Projected		Changes		Requested (Total)	
		FY 2012		FY 2012		FY 2013 CR		Current Services Adjustments and FY 2014 Program Changes		FY 2014 Request	
Workload: Total Average Daily Population:		62,561		60,710		62,232		1,899		62,131	
State & Local Gov't (IGA) Facilities		39,155		34,960		35,089		(472)		34,617	
Private Facilities		11,091		13,328		12,713		2,555		15,268	
<i>Subtotal Non-federal Facilities</i>		50,246		48,288		47,802		4,983		49,885	
<i>Federal (BOP) Facilities</i>		11,674		11,651		11,977		(641)		11,336	
<i>Non-Paid Beds</i>		641		831		453		457		910	
Workload: Transportation:											
# Transportation Moves of USMS Prisoners – Air		61,283		65,618		68,243		0		68,243	
# Transportation Moves of USMS Prisoners – Ground		93,369		111,395		115,965		0		115,965	
Total Costs and FTE											
		FTE \$800		FTE \$800		FTE \$800		FTE \$800		FTE \$800	
		27 \$1,580,595		21 \$1,599,090		19 \$1,590,268		0 \$54,943		19 \$1,635,538	
(Reimbursable FTE are included, reimbursable costs are bracketed and not included in the total)											
Type/ Strategic Obj.	Performance/Resources	FY 2012		FY 2012		FY 2013 CR		Current Services Adjustments and FY 2014 Program Changes		FY 2014 Request	
		FTE	\$800	FTE	\$800	FTE	\$800	FTE	\$800	FTE	\$800
Program Activity	Resources										
	Detainees										
	Housing & Subsistence	0	1,534,035	0	\$1,544,334	0	1,534,315	0	54,943	18	1,579,585
	Support	26	10,803	20	\$8,728	18	10,803	0	0	0	10,803
	Total	26	\$1,544,838	20	\$1,553,062	18	\$1,545,118	0	\$54,943	18	\$1,590,388
Efficiency	Per Day Jail Cost (Non-federal)		\$75.77		\$74.21		\$76.03		\$2.48		\$78.51
Performance	Health Care Cost Per Capita (Non-federal)		\$1,675		\$1,890		\$1,937		76		\$2,013
Performance	# Targeted Non-federal Facility Reviews Completed		30		30		30		0		30
OUTCOME	Per Day Detention Cost		\$81.87		\$78.23		\$82.39		\$3.57		\$85.32
OUTCOME	Targeted Non-federal Facilities Meeting Min Sids (Private/Large)		23		23		23		0		23
Program Activity	Resources	FTE	\$800	FTE	\$800	FTE	\$800	FTE	\$800	FTE	\$800
	JPATS	0	35,757	0	\$45,028	0	45,150	0	0	0	\$45,150
	Support	1	0	1	0	1	0	1	0	1	0
	Total	1	\$35,757	1	\$45,028	1	\$45,150	1	\$45,150	1	\$45,150
OUTCOME	Transportation Unit Cost		\$1,830		\$1,273		\$1,400		\$0		\$1,450

Performance Measure Table

Decision Unit: Federal Prisoner Detention

Performance Report & Performance Plan	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2012	FY 2013	FY 2014
	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Per Day Jail Costs (Non-Federal)	\$61.92	\$62.73	\$64.40	\$67.47	\$69.01	\$70.56	\$72.88	\$75.77	\$74.21	\$76.03	\$78.51
Health Care Cost Per Capita (Non-Federal)	\$1,364	\$1,544	\$1,478	\$1,528	\$1,476	\$1,630	\$1,624	\$1,675	\$1,890	\$1,937	\$2,013
# Targeted Facility Reviews (Non-Federal)	N/A	20	22	26	29	32	30	30	30	30	30
Per Day Detention Cost (Non-Federal)	\$66.33	\$67.72	\$69.30	\$72.79	\$73.05	\$76.07	\$78.59	\$81.87	\$78.23	\$82.39	\$85.32
Facilities Meeting Minimum Standards (Non-federal)	N/A	95% 19 of 20	100% 22 of 22	100% 26 of 26	93% 27 of 29	100% 22 of 22	100% 23 of 23	100% 23 of 23	100% 23 of 23	100% 23 of 23	100% 23 of 23
Transportation Unit Costs	N/A	\$1,001	\$950	\$999	\$1,105	\$1,373	Discontinued				
Transportation Unit Costs* (New)	N/A	N/A	N/A	N/A	N/A	N/A	915	1,830	1,273	1,400	1,450

Note: The FY 2012 Enacted and FY 2013 Continuing Resolution reflect resources under the OFDT appropriation. FY 2014 resources reflect the shifting of OFDT resources to the FPD account.

Data Definitions, Validation, Verification, and Limitations:

Performance Measure: Average Daily Population (ADP)

Data Definition: Number of prisoners in the custodial jurisdiction of the USMS on an average daily basis. ADP is calculated on a per capita, per day basis.

Data Collection and Storage: Data are maintained by the Justice Detention Information System (JDIS) database. All prisoner statistical information is derived from JDIS.

Data Validation and Verification: Monthly data are verified by comparing the data recorded in JDIS with billing data provided by non-federal detention service providers. Jail rate information is verified and validated against actual jail contracts.

Data Limitations: Limited by the timely entry of prisoner data into JDIS.

Performance Measure: Per Day Jail Cost

Data Definition: Actual average price paid (over a 12-month period) by the USMS to house federal prisoners in non-federal detention facilities. IGA jail cost represents the average cost paid by the USMS to house prisoners in facilities operated by state and/or local governments. Private jail costs represent the average cost paid by the USMS to house prisoners in facilities operated by non-governmental entities (such as for-profit corporations). Average price paid is weighted by actual jail day usage at individual detention facilities.

Data Collection and Storage: Data describing the actual price charged by state, local, and private detention facility operators is maintained by the USMS in their PTS and it is updated on an as-needed, case-by-case basis when rate changes are implemented. Rate information for specific facilities is maintained by USMS headquarters staff. In conjunction with daily reports of prisoners housed, reports are compiled describing the price paid for non-federal detention space on a weekly and monthly basis. Data are reported on both district and national levels.

Data Validation and Verification: Data reported are validated and verified against monthly reports describing district-level jail utilization and housing costs prepared by the USMS.

Data Limitations: Maintaining prisoner movement data is a labor-intensive process. The reliability of the reported data is often compromised by time lags between the actual movement of prisoners and key-punching of those events into the PTS system. Accordingly, it is often necessary to delay reporting of official statistics several weeks to ensure that prisoner movement records have been properly updated.

Performance Measure: Health Care Cost Per Capita

Data Definition: Cost of health care services provided to federal prisoners under the custodial jurisdiction of the USMS. Total health care costs include the costs of health services provided by medical practitioners and medical guard services. Per capita health care costs are determined by dividing total health care expenditures for the reporting period by the average daily prisoner population for that reporting period.

Data Collection and Methodology: Data describing funds obligated for prisoner health care services are reported through reports generated from the USMS financial system.

Data Validation and Verification: In accordance with generally accepted accounting principles, the USMS routinely monitors its financial data for new obligations and debt obligations.

Data Limitation: Data reported reflect the anticipated cost of services provided to USMS prisoners. In the event that the actual cost is different from the anticipated cost, additional funds may need to be obligated or obligated funds, de-obligated. Because of the time lag between the rendering of services and the payment of invoices, several weeks may lapse before the actual cost of health care services provided to an individual prisoner can be descriptively determined.

Performance Measure: Per Day Detention Cost

Data Definition: Total detention costs represent the aggregation of paid jail costs and health care costs on a per capita, per day basis.

Data Collection and Storage: See, Paid Jail Costs and Health Care Costs, above.

Data Validation and Verification: See, Paid Jail Costs and Health Care Costs, above.

Data Limitations: See, Paid Jail Costs and Health Care Costs, above.

Performance Measure: Targeted Non-federal Facilities Reviews and Targeted Non-federal Facilities Meeting Minimum Standards

Data Definitions: Targeted Non-federal Facilities: All Private Facilities, all Large Intergovernmental Agreement (IGA) facilities with an average daily population (ADP) of approximately 480 or more, all Medium IGA facilities with an ADP of approximately 200 – 479, and other select facilities such as those involved in agency requested facility reviews.

Number of Targeted Reviews Completed: Targeted Non-federal Facility Quality Assurance Reviews (QARs) completed during the fiscal year.

Meeting Minimum Standards: In the QAR review process, a facility may receive one of five rating levels: Excellent. Level of performance exceeds minimum standards, deficiencies are non-existent or minor. Good. Level of performance meets minimum standards, deficiencies are minor and are offset by outstanding elements of performance. Acceptable. Level of performance meets minimum standards, deficiencies are minor. Deficient. Level of performance indicates performance is weak, corrective action plans for internal controls are needed to maintain minimum standards. At-Risk. Level of performance does not meet minimum standards and requires immediate corrective action plans. Facilities must receive a rating above the At-Risk level to be considered to be Meeting Minimum Standards.

Targeted Number of Non-federal Facilities Meeting Minimum Standards: This percentage is calculated by dividing the Targeted Non-federal Facilities Meeting Minimum Standards by the number of those facilities scheduled for review during the fiscal year.

Data Collection and Storage: Data describing the facility ratings and standards that are met by the individual facilities will be maintained in the FRMS system. In conjunction with the QAR reviews, state, local, and other agency inspection reports are maintained.

Data Validation and Verification: Data reported are validated and verified against QAR reports, repository information, state, local or other agency reported data (i.e. BOP Sentry, USMS PTS).

Data Limitations: Data reported often reflect a delay in reporting.

Performance Measure: Transportation Moves (Air and Land)

Data Definition: A prisoner transportation movement represents a single leg of a transport between the point of origin and the final destination; multiple movements may be required to transport a prisoner to his destination. Air movements are transports involving a JPATS operated aircraft; excluded are commercial charters. Ground movements are transports involving a bus or other vehicle.

Data Collection and Storage: Data describing prisoner transportation movements are maintained by JPATS in the JPATS Management Information System (JMIS). These data are currently reported to FPD on a quarterly basis as part of quarterly and annual reports describing the activities of JPATS.

Data Validation and Verification: Transportation movement data are reported by JPATS.

Data Limitations: Data are limited to movements of prisoners conducted by JPATS and do not include in-district movements coordinated by USMS district offices without the assistance of JPATS.

Performance Measure: Transportation Unit Cost - Discontinued

Data Definition: The total cost per prisoner (transported by JPATS) incurred from the prisoner's point of origin to final destination. Component costs include the cost of transporting the prisoner (by air, bus, van, and car) and the cost of housing the prisoner while in-transit. The cost of BOP-provided in-transit housing is included as part of the reported housing costs.

Data Collection and Storage: Data describing prisoner movements and the costs associated with those movements are maintained in several databases. The USMS JPATS AFSS data system maintains information describing prisoner movements such as the points of origin and final destination, how the prisoner was moved, and where the prisoner was housed, as applicable, while in-transit. The USMS JPATS ICAS data system maintains information describing the cost of air movements and JPATS-sponsored ground transportation. BOP provides information describing the cost of BOP-sponsored bus transportation. The USMS PTS data system provides information describing the cost of non-federal housing. Data are maintained on each prisoner transported by JPATS. Data from the various systems are aggregated together to determine the prisoner-specific transportation costs.

Data Validation and Verification: Component data are provided to USMS by the various agencies. USMS validates the data for completeness and to ensure that the data provided are within historical parameters.

Data Limitations: Maintaining prisoner movement data is a labor-intensive process. The reliability of the component data is often compromised by invalidated data entry. Accordingly, labor-intensive data analysis is often required to ensure that the data provided passes certain logical tests. Additionally, data describing the cost of BOP-sponsored transportation is based on standardized formulae provided by the BOP for calculating the cost of operating their buses, the costs BOP-provided in-transit housing is based on BOP-reported per capita cost of operating BOP facilities, particularly the Federal Transfer Center in Oklahoma City.

Performance Measure: Transportation Unit Cost - New Measure THIS MEASURE HAS BEEN CHANGED FROM A PER MOVEMENT BASIS TO A PER PRISONER BASIS

Data Definition: The total cost per prisoner (transportation coordinated by JPATS) incurred from the prisoner's point of origin to final destination. Component costs include the cost of transporting the prisoner (by air, bus, van, and car) and the cost of housing the prisoner while in-transit. The cost of BOP-provided in-transit housing and bus transportation is included as part of the reported costs.

Data Collection and Storage: Data describing prisoner transportation and the costs associated with transportation and housing are maintained in several databases. The USMS JPATS Management Information System (JMIS) data system maintains information describing prisoner movements such as the points of origin and final destination, how the prisoner was moved, and where the prisoner was housed, as applicable, while in-transit. JMIS also maintains information describing the cost of air movements and JPATS-coordinated ground transportation. BOP provides information describing the cost of BOP-sponsored bus transportation. The USMS JDIS system, eGA system, and FPD records provide information describing the cost of non-federal housing. Data are maintained on each prisoner transported by JPATS. Data from the various systems are aggregated together by JMIS to determine the prisoner-specific total transportation costs.

Data Validation and Verification: Component data are provided to JPATS by the various agencies. JPATS validates the data for completeness and to ensure that the data provided are within historical parameters.

Data Limitations: Maintaining prisoner transportation data is a labor-intensive process. The reliability of the component data is often compromised by invalidated data entry. Accordingly, labor-intensive data analysis is often required to ensure that the data provided to JPATS passes certain logical tests. Additionally, data describing the cost of

BOP-sponsored transportation is based on standardized formulas provided by the BOP for calculating the cost of operating their buses, the costs BOP-provided in-transit housing is based on BOP-reported per capita cost of operating BOP facilities, particularly the Federal Transit Center in Oklahoma City.

C. Performance, Resources, and Strategies

C1. Program Activity: Detention Services

FPD Performance Goal 1

Meet the Nation's detention requirements in the most economical manner

To measure success toward achieving this strategic goal, a performance goal was established to hold per day detention costs at or below inflation. This chart reflects the targeted level required to achieve that goal. The discussions below specify the mission challenges and strategies required to make the targeted level attainable. In addition, the graph depicts the specific performance level required for each contributing initiative.

Performance Plan and

Report:

Measure: Per Day Detention Cost (Housing and Medical Services)

FY 2012 Target: \$81.87

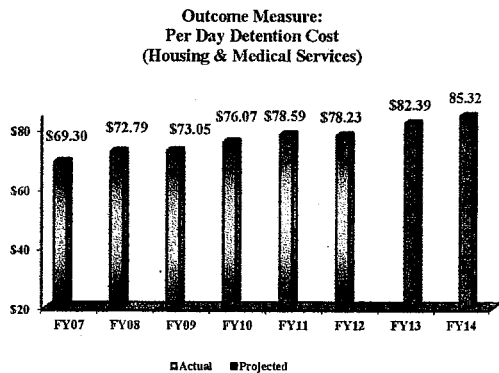
FY 2012 Actual: \$78.23

Challenge: Adequate Detention Beds

As state and local governments are requiring more of their capacity to house their own prisoners, fewer detention beds are available to accommodate federal detainees. The reduction in available state and local facilities forces an increased reliance on private facilities that are historically higher in cost.

Strategy: *Maximize the use of available bed space*

One goal of DSNetwork is to provide a means to monitor detention bed space usage and to allow for oversight of non-federal facility contracts and services. Timely and accurate data from JDIS and other systems will be integrated into DSNetwork dashboards and reports to query and monitor capacity and usage. As a consolidated detention services site, the DSNetwork will also provide a vehicle for automated processing of IGAs, detention facility review information, other detention services, and procurement data for agencies to assess, monitor, and manage detention bed space. This will allow district offices increased flexibility to determine the best value to the federal government by better leveraging available space, transportation, and care capabilities. It will result in securing beds and related services more efficiently and is vital to holding detention costs down.



Strategy: Reduce the impact of short-term sentenced (STS) prisoners on detention costs.

Because of increased immigration enforcement along the Southwest Border, STS prisoners account for an increasing proportion of the detention population. These prisoners are serving a sentence of a year or less in detention facilities. For those whose sentence is too short to be able to move them into BOP custody, the cost is borne by FPD appropriation.

The USMS formed a STS workgroup comprised of the USMS, JPATS and BOP. The workgroup was tasked with the following:

- Identifying the issues created by STS prisoners;
- Identifying the extent and impact of this population on current and future USMS, JPATS and BOP housing and transportation assets and costs;
- Developing options for business practices;
- Defining agency responsibilities and recommending contractual and operational actions to better process, house and manage this population
- Developing business rules to process STS/Magistrate cases into BOP custody. This will enable agencies to efficiently manage this specific prisoner population and reduce detention and transportation costs.

On May 21, 2012, a 90-day pilot project began to request designations and tentative release dates for STS prisoners from the BOP Designation and Sentence Computation Center (DSCC). On August 1st, the pilot was extended for 90 days. It is anticipated the project will demonstrate efficiencies in the management of the STS population to reduce costs in housing and transportation. The districts that are participating in the pilot include: Arizona, Western Texas and Southern Texas.

The USMS goal is to establish policy in FY 2013 that will include a uniform definition for STS that can be recognized by all detention components. The policy will incorporate business rules for STS to include: time frames for designation and movement requests, transportation, physical, and fiscal custody. The guidelines in the policy will clearly note at any point in time, which component is responsible for these costs. The USMS anticipates this will help to identify bed space availability and save costs.

Challenge: Insufficient bed space at mission critical locations

The need to facilitate faster movement of prisoners continues to be an area of concern for the USMS. When the Federal Transfer Center (FTC) in Oklahoma City and the overflow IGA facility, Grady County Detention Center are unable to process additional prisoners, delays are created that slow prisoner movements in other districts, thereby increasing the length of stay and increasing housing costs.

Strategy: Maximize the effectiveness of Regional Transfer Centers (RTCs) and Oklahoma City Bypass flights as necessary

Additional RTCs strategically located near high detention populations and BOP facilities would further reduce the dependence on FTC Oklahoma and Grady County Detention Center and could result in a reduction in the time-in-detention for sentenced prisoners.

JPATS, in conjunction with BOP and USMS, focused on moving prisoners faster to their destinations within available resources while maximizing the efficiency of the transportation systems. RTCs were created to supplement the FTC, increase efficiencies and reduce the backlogs in prisoner transportation. The goals of the RTCs are:

- Reduce in-transit time;
- Streamline and expand ground transportation capabilities;
- Assist the BOP in managing the backlog of inmates designated to BOP facilities;
- Free up bed space for pretrial inmates in highly impacted districts by expediting moves;
- Reduce detention and transportation costs; and
- Place additional housing close to JPATs arteries serving the impacted federal agencies.

The East Coast RTC is located at the Robert A. Deyton facility in Lovejoy, GA. The West Coast RTC is located at the Nevada Southern Detention Center (NSDC) in Pahrump, NV.

A JPATS analysis determined that bypassing Oklahoma City will move prisoners faster and avoids bed space shortages at the FTC and Grady County Detention Center. By developing new schedules and routes, particularly between the Western and Eastern RTC's, JPATS is able to move more prisoners in the transportation network than it would if having to route all prisoners through Oklahoma City.

Strategy: Develop a bed space assessment and optimization tool

The USMS will develop a model to enhance monitoring and prediction capabilities for areas with critical bed space needs. The tool will identify bed space availability and usage near-real time. It will also track the cost of bed space and the corresponding impact on established budget projections. Further, it will be a component of the USMS dashboard of critical performance indicators for senior level management within USMS.

1.2 Ensure efficient use of detention space and minimize price increases

Challenge: Projection of IGA Increases

DOJ utilizes IGAs to establish the relationship with a state or local government for the use of excess bed space at a negotiated per diem rate. During the life of the agreement, a state or local government may request rate adjustments from DOJ. Historically, it was unknown how many or at what frequency the state or local governments would request such adjustments or the magnitude of the adjustments, making it difficult to project rate increases for budgeting purposes.

Strategy: eIGA

eIGA was developed to provide a measure of standardization for the cost and the manner in which the Intergovernmental Agreement (IGA) rates for state and local facilities are

calculated. eIGA is used to establish a negotiated fixed per diem rate for each facility within the parameters of rates of similar local facilities and limits future adjustments to the per diem rate. This allows the cost of housing detainees to become more predictive as new trends and set prices are integrated to provide more comprehensive bed space requirements. eIGA continues to include more IGAs as new agreements are initiated and older agreements are renegotiated. ICE utilizes the eIGA system, which has increased the opportunities for the federal government to standardize the negotiation process. In addition to the multiple benefits of the eIGA, this system has reporting capabilities, which can result in a more accurate and faster report.

Strategy: Reduce prisoner processing time (via: eDesignate)

eDesignate provides for a more efficient workflow between the U.S. Probation offices, the USMS, and the BOP during the sentence-to-commitment process by significantly reducing the workload of agency personnel involved in the administratively taxing designation process. All 94 Judicial Districts are using eDesignate. In 2010, eDesignate was expanded to include JPATS movement requests.

Strategy: Increase use of detention alternatives

USMS will continue to provide funding to the Federal Judiciary to support alternatives to pretrial detention, such as electronic monitoring, halfway house placement, and drug testing and treatment. The budgetary savings of these alternatives to detention is substantial. During FY 2011, the Administrative Office of the United States Courts (AOUSC) was provided \$3.9 million to supplement their funding for alternatives to detention. If the defendants who were released on an alternative-to-detention program had been detained in a secure facility pending adjudication, the detention population would have been higher by approximately 2,900 prisoners per day at a cost of approximately \$67 million. FY 2012 data has not been finalized.

Strategy: Maintain/gain economies of scale through partnered contracting

USMS will continue to partner with ICE on joint-use facilities to achieve the best cost to the Government. In this procurement process, each agency establishes a minimum level of bedspace usage to achieve the best prices. By approaching the negotiating process together, this eliminates the potential for competition between federal agencies. This methodology has worked well in the past and will continue for future negotiations as appropriate.

Performance

Plan and

Report:

Measure:

Per Day Jail

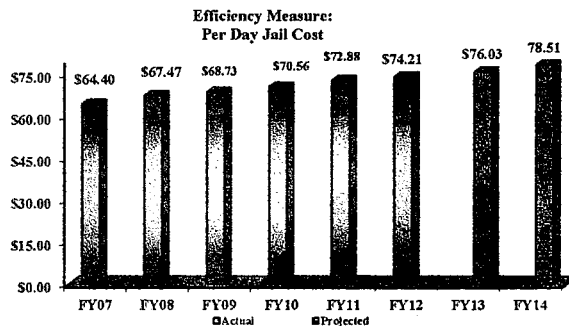
Cost

FY 2012

Target: \$75.77

FY 2012

Actual: \$74.21



1.3 Ensure adequate medical services are provided in the most economical manner

Challenge: Rising Medical Costs

An important facet of the conditions of confinement is ensuring the appropriate medical care for detainees at or near detention facilities. The challenge is to provide a uniform approach to these services at the best value to the Government while minimizing the cumbersome process for field operations.

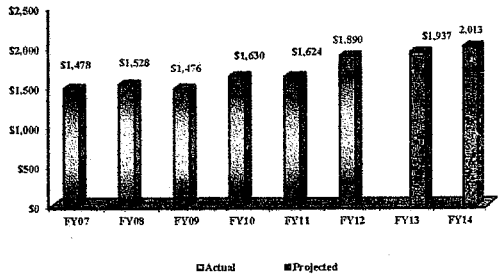
Strategy: National Managed Care Contract

USMS manages a National Managed Care Contract (NMCC) that establishes a national health care delivery system for USMS prisoners. The contract helps to ensure that the USMS is complying with the federal procurement statutes and regulations when it acquires medical services

for its prisoners. It also ensures that USMS prisoner medical claims are re-priced to Medicare rates in accordance with the provisions of 18 U.S.C. 4006. The NMCC has also reduced the prisoner medical- related administrative workload of the districts. The NMCC

contractor is processing and paying the entire contract- related prisoner medical bills on behalf of the districts. Finally, the NMCC provides for a national discount pharmacy program that allows the USMS to receive discounts on the medications that the USMS purchases for its prisoners. The NMCC has been fully implemented in all USMS districts.

Health Care Cost Per Capita
(Medical Treatment & Security)



Performance Plan and Report:

Measure: Health Care Cost Per Capital (Medical Treatment and Security)

FY 2012 Target: \$1,675

FY 2012 Actual: \$1,890

FPD Performance Goal 2: Ensure safe, secure, humane confinement

To measure success toward achieving this strategic goal, a performance goal was established to ensure that 100% of all private detention facilities and 100% of selected IGA facilities (over 480 detainees) meet minimum standards annually. The discussions below specify the mission challenges and strategies required to make the targeted levels attainable.

2.1: Ensure detention facilities meet established standards for confinement

Challenge: Varying Detention Standards

Concurrent with the desire to create efficiencies within detention is the need to ensure that facilities provide for the safe, secure, and humane confinement of detainees. This is especially challenging considering the vast number of state, local, and private facilities in use. The standard for confinement at these facilities varies according to local and state requirements. To address this issue, a comprehensive Quality Assurance Program was developed to ensure that the facilities providing detention bed space to the federal government meet confinement standards.

Strategy: Continuation of the Comprehensive Quality Assurance Program

The Quality Assurance Program is a multi-faceted approach to ensure the safe, secure, and humane confinement of detainees as well as address Congress' concerns for public safety as it relates to violent prisoners (e.g., *Interstate Transportation of Dangerous Criminals Act*, also known as *Jenna's Act*). The Federal Performance-Based Detention Standards (FPBDS) provide the foundation for the program, while the various program components ensure compliance to the standards. These components (listed below) cover all aspects of detention from construction to operational review and training.

- ***Performance-Based Contracts:*** To define acceptable conditions of confinement, FPBDS was created in cooperation and coordination with the BOP, USMS, and ICE. The FPBDS provides objective standards to ensure that all providers achieve and maintain the standards. Federal contracts are written or modified to reflect the FPBDS for all private contract facilities and select IGA facilities over 480 ADP. To ensure compliance with the standards, private contractor performance evaluation and, consequently, compensation are based on the facility's ability to demonstrate alignment with the standards.
- ***Quality Assurance Reviews (QARs):*** The QAR program conducts on-site reviews for Targeted Non-federal Facilities, defined as: private facilities, all agency-requested reviews, and IGA facilities that were selected based on various criteria, e.g., size or a



Reviewing Detainee Medical Records during a QAR Review

significant incident, such as a suicide. Also, "After Action Reviews" are conducted when a significant incident occurs. A review identifies and reflects facility deficiencies as related to the delivery of contract services. A corrective action plan developed by the facility to address deficiencies is monitored by USMS until resolution. Since the implementation of the QAR program there has been quantifiable improvement in the quality of detention services. Specifically notable is the reduction in repeat deficiencies. The cumulative effect of these improvements resulted in increased ratings and services. Given the success of the QAR program, USMS is planning to expand its focus on medium usage IGA facilities.

The table below captures the categories of QARs and relative performance goals. Given the large number of small IGAs, it would not be a prudent use of resources to conduct a comprehensive QAR on a facility with less than 40 ADP. The Detention Investigative Facility Report currently conducted by the USMS for these facilities is considered a more appropriate review format. However, selective QARs will continue to be conducted as discussed above.

Outcome Measure: Percentage of Targeted Non-federal Facilities Meeting Minimum Standards										
Facility		FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Type	Size (ADP)	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Target	Target
Performance Goal: 100% Meet Minimum Standards										
Private	N/A	100%	100%	100%	100%	100%	100%	100%	100%	100%
		9	9	10*	11	12	14	14	14	14
IGA	Large	100%	100%	100%	100%	100%	100%	100%	100%	100%
	> 480	4	7	8	9	10	9 of 9	9 of 9	9 of 9	9 of 9
Subtotal:		13	16	18	20	22	23	23	23	23
Performance Goal: 100% of Medium Facilities Meet Minimum Standards by 2016										
IGA	Medium	75%	100%	100%	75%	100%	100%	100%	100%	100%
	200 - 480	3 of 4	4	7	6 of 8	8	7	7	7	7
Performance Goal: Meet Annual Targets as Established										
IGA	Small	100%	100%	100%	100%	100%	100%	100%	100%	100%
	40 - 199	3	2	1	1	2	N/A	N/A	N/A	N/A
		95%	100%	100%	93%	N/A	N/A	N/A	N/A	N/A
As Previously Reported:		19 of 20	22	26	27	32	30	30	30	30
* Note: Although there were actually 9 Private facilities in FY2008, one facility was under a new contract and was therefore given one year to achieve the standards identified in that contract. In addition, this figure includes two Pre-Occupancy QARs previously counted under Other IGA.										

- ***Private Detention Facility Construction and Activation Monitoring:*** To ensure that newly constructed facilities meet all aspects of the FPBDS in addition to local and state requirements, a contract was awarded to monitor private detention facility construction and activation.
- ***Joint Review Initiative (JRI):*** USMS will continue to coordinate with the federal government detention stakeholders to develop the JRI for facility inspections. The JRI will facilitate joint reviews of shared USMS/ICE/BOP IGA facilities using a single federal baseline detention standard. The JRI will eliminate multiple federal reviews at 189 common use IGA detention facilities, resulting in a savings of taxpayer dollars.
- ***Handheld Inspection Device:*** To leverage information technology platform as a solution accelerator the Handheld Inspection Device (HID) will simplify and automate required joint inspections and serve as the integrated workflow tool and data content manager for capturing, recording and reporting.

The QAR program also provides the necessary training to those individuals working in the field to ensure proper contract oversight and adherence to federal detention standards, including:

- ***Detention Facility Investigative Report Training:*** This training provides the skill-set necessary to monitor private and large IGA detention facilities to ensure the quality of detention services.
- ***Contract Monitoring and Enforcement Training (CMET):*** This training provides instruction on contractor officer representative (COR) roles and responsibilities for administering and monitoring performance-based detention facility contracts. It includes the identification of services vulnerable to inflated costs, documentation of trends, and the necessary steps to take to enforce contract compliance.

Performance Plan and Report:

Measure: Number of Targeted Non-federal Facilities Meeting Minimum Standards

FY 2012 Target: 30

FY 2012 Actual: 30

C. Program Activity: JPATS Transportation

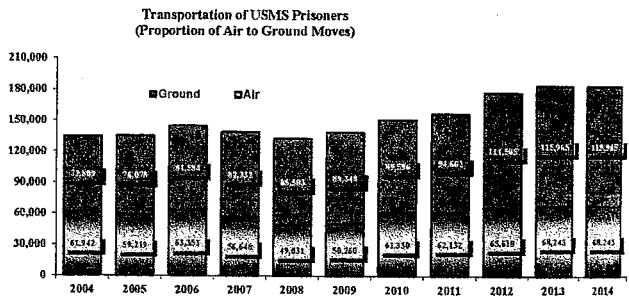
FPD Performance Goal 3: Increase the efficiency of the JPATS program

To measure success toward achieving this strategic goal, a performance goal was established to hold detention transportation costs at or below inflation. The discussions that follow specify the mission challenge and strategies required to make the targeted level attainable.

3.1: Move prisoners faster within available resources

Challenge: Increasing demands on finite resources

The demand for transportation will continue to rise with the increase in detainee population. Given uncontrollable fuel prices, USMS must look for innovative solutions to create greater efficiency within the current infrastructure. The interdependence of transportation and housing precludes addressing one without having an impact on the other.



Data source is changed: Amounts reflect most accurate data available in JMIS.

Two challenges of funding transportation are determining the appropriate resources to provide the service and accurately projecting what the transportation need will be. A working group was formed to develop a methodology for projecting resources required for intra-district transportation.

Strategy: Maximize efficiency of the transportation system

USMS will lead the optimization efforts discussed above to determine potential transportation efficiencies and drive program improvement through performance tracking and management. The optimization effort includes determining the right size aircraft as well as the optimal routes and hub locations to shorten the time between the movement request and arrival at the final destination. This will have the impact of reducing the cost per move for both transportation and associated housing. The

performance measure, Transportation Unit Cost (below), captures both elements from the detainee's point-of-origin to the final destination.

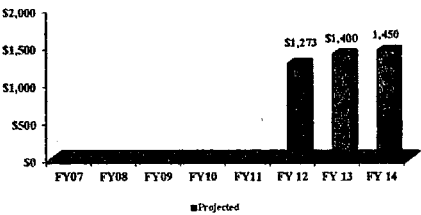
Strategy: Improve the efficiency and effectiveness of in-district moves

In-district movements are those prisoner movements handled locally by each district and includes movement of prisoners to BOP facilities to complete the sentence-to-commitment phase.

While in-district moves comprise approximately 25% of total movement related to sentence to commitment, the

USMS has no centralized ability to monitor this effort. USMS, through the eDesignate system will enhance eMove, which will provide visibility of in-district moves for the first time. This will create the opportunity to manage this effort resulting in faster movement from sentence to commitment.

Outcome Measure:
Transportation Unit Cost
(Transportation via JPATS & Related Housing Cost)



Performance Plan and Report:

Measure: Transportation Unit Cost
(Transportation via JPATS & Related Housing Cost)

FY 2012 Projection: \$1,830

FY 2012 Actual: \$1,273



Loading prisoners for a JPATS flight

V. Program Increase by Item

Item Name: Housing of USMS Detainees

Budget Decision Unit(s): Federal Prisoner Detention

Strategic Goal/Objective: DOJ Strategic Goal 3, Objective 3.3

Organizational Program: Detention Services

Component Ranking of Item: 1

Program Increase: Positions 0 Agt/Atty 0 FTE 0 Dollars \$54.875 million

Description of Item

USMS requests an increase of \$54,875,000 for costs associated with prisoner detention and care.

Justification

The resources requested will provide housing and care for federal detainees remanded to USMS custody. Resources for detention are expended from the time a prisoner is brought into USMS custody through termination of the criminal proceeding and/or commitment to BOP. The size of the detainee population is attributable to a number of factors, including new and more aggressive enforcement of existing laws, new federal law enforcement initiatives and prosecutorial efforts. The USMS uses a Detention Population Forecasting Model for predicting detention needs. The FY 2014 projection assumes that law enforcement and prosecutorial priorities on immigration at the Southwest Border will remain, but will expand to encompass more drug and weapons offenses resulting from drug-related violence. The resources requested provide funding for inflationary detention costs and an increased detention population.

Impact on Performance (Relationship of Increase to Strategic Goals and Priority Goals)

The FPD requires additional resources to house all federal detainees. Without this increase, FPD will be unable to house all federal detainees committed to USMS custody.

Funding

Base Funding

FY 2012 Enacted				FY 2013 CR				FY 2014 Current Services			
Pos	agt/atty	FTE	\$(000)	Pos	agt/atty	FTE	\$(000)	Pos	agt/atty	FTE	\$(000)
27	2	27	1,544,838	27	2	19	1,545,118	27	2	19	1,535,513

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2014 Request (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)	FY 2016 Net Annualization (Change from 2015) (\$000)
Housing			\$54,875		
Total Non-Personnel			\$54,875		

Total Request for this Item

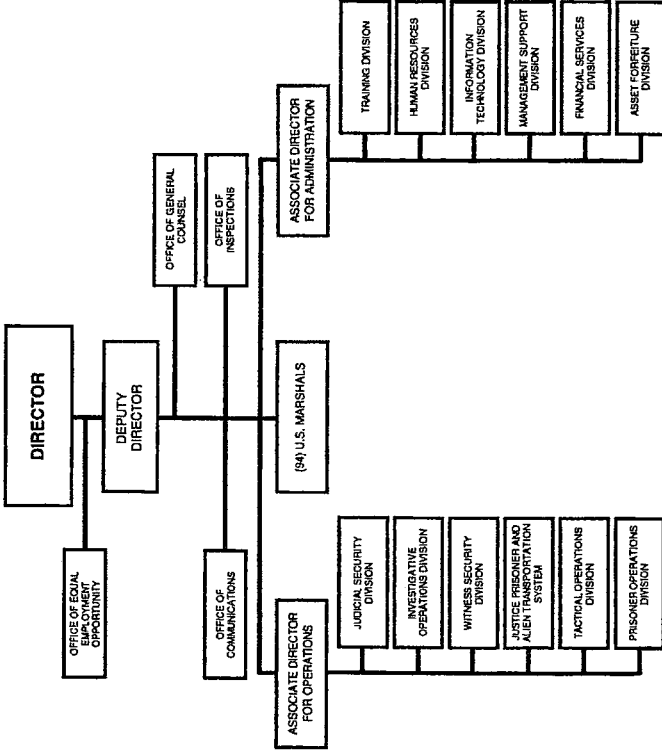
	Pos	Agt/Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)	FY 2016 Net Annualization (Change from 2015) (\$000)
Current Services	27	2	19	3,290	1,532,223	1,535,513		
Increases	0	0	0	0	54,875	54,875		
Grand Total	27	2	19	3,290	1,587,098	1,590,388		

VI. Program Offset by Item

No program offsets are proposed.

A: Organization Chart

UNITED STATES MARSHALS SERVICE



Approved by: *[Signature]* Date: 8-13-07
Alberto R. Gonzales
Attorney General

Exhibit A - Organization Chart

B. Summary of Requirements
 Federal Prisoner Detention
 (Dollars in Thousands)

	FY 2014 Request		
	Direct Pos.	Estimate FTE	Amount
2012 Enacted	27	27	1,580,595
2013 Continuing Resolution			
2013 CR 0.612% Increase	27	19	1,580,695
Total 2013 Continuing Resolution	0	0	9,873
Technical Adjustments	0	0	1,580,268
USMS FPD			
27	19	1,580,595	
Base Adjustments			
Transfers:			
JCON AND JCON S/TS - To Components	0	0	12
Pay and Benefits	0	0	56
Total Base Adjustments	0	0	68
2014 Current Services	27	19	1,580,663
Program Changes			
Increases:			
Housing of USMS Detainees	0	0	54,875
Total Program Changes	0	0	54,875
2014 Total Request	27	19	1,635,538
2014 Balance Recission (if applicable)	0	0	-90,000
2014 Total Request (with Balance Recission)	27	19	1,545,538
2012 - 2014 Total Change	0	-8	-54,943

Note: The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.
 2012 Enacted and 2013 Continuing Resolution reflect resources under the Office of the Federal Detention Trustee (OFDT). Technical Adjustment reflects the shifting of OFDT resources to the FPD account.

B. Summary of Requirements

Summary of Requirements
Federal Prisoner Detention
(Dollars in Thousands)

Program Activity	2012 Appropriation Enacted			2013 Continuing Resolution *			2014 Technical and Base Adjustments			2014 Current Services		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Detention Services	27	27	1,544,838	27	19	1,545,118	0	0	1,535,513	27	19	1,535,513
JPATS	0	0	35,757	0	0	45,150	0	0	45,150	0	0	45,150
Total Direct	27	27	1,580,595	27	19	1,590,268	0	0	1,580,663	27	19	1,580,663
Grand Total, FTE		27			19			0			19	

Program Activity	2014 Increases			2014 Offsets			2014 Request		
	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Detention Services	0	0	54,875	0	0	0	27	19	1,590,388
JPATS	0	0	0	0	0	0	0	0	45,150
Total Direct	0	0	54,875	0	0	0	27	19	1,635,538
Balance Cancellation			0			-80,000			-80,000
Total Direct with Cancellation			54,875			-80,000			1,555,538
Total Direct FTE		0			0			19	
Grand Total, FTE		0			0			19	

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101(e)).

Note: The 2012 Enacted and 2013 Continuing Resolution reflect resources under the CPDT appropriation. The Technical Adjustment reflects the shifting of CPDT resources to the FPD account.

C. Program Changes by Decision Unit

FY 2014 Program Increases/Offsets by Decision Unit
Federal Prisoner Detention
(Dollars in Thousands)

Program Increase	Location of Description by Program Activity	Federal Prisoner Detention			
		Direct Pos.	Ag't Atty	Est. FTE	Amount
Housing of USMS Detainees	Detention Services	0	0	0	54,875
Total Program Increase		0	0	0	54,875

C. Program Changes by Decision Unit

FY 2014 Program Increases/Offsets by Decision Unit
Federal Prisoner Detention
(Dollars in Thousands)

Program Increase	Location of Description by Program Activity	Federal Prisoner Detention			
		Direct Pos.	Agd/Atty	Est. FTE	Amount
Housing of USMS Detainees	Detention Services	0	0	0	54,875
Total Program Increase		0	0	0	54,875

Resources by Department of Justice Strategic Goal/Objective
 Federal Prisoner Detention
 (Dollars in Thousands)

Strategic Goal and Strategic Objective	2012 Appropriation Enacted		2013 Continuing Resolution		2014 Current Services		2014 Increases		2014 Total Request	
	Direct/ Reimb Amount	PTE	Direct/ Reimb Amount	PTE	Direct/ Reimb Amount	PTE	Direct/ Reimb Amount	PTE	Direct/ Reimb Amount	PTE
Goal 3: Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal and International Levels.										
3.2 Protect judges, witnesses, and other participants in federal proceedings; apprehend fugitives; and ensure the appearance of criminal defendants for judicial proceedings or confinement	0	35,757	0	45,150	0	45,150	0	0	0	45,150
3.3 Provide for the safe, secure, humane, and cost-effective confinement of offenders awaiting trial and/or sentencing, and those in the custody of the Federal Prison System	27	1,544,039	19	1,545,119	19	1,535,513	0	54,875	19	1,590,388
	27	1,590,696	19	1,590,269	19	1,590,663	0	54,875	19	1,635,638
TOTAL	27	1,590,696	19	1,590,269	19	1,590,663	0	54,875	19	1,635,638

Note: Excludes Balance Rescission.

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

Note: The 2012 Enacted and 2013 Continuing Resolution reflect resources under the OPDT appropriation. The 2014 Current Services reflects the shifting of OPDT resources to the FPD account.

Justifications for Technical and Base Adjustments

Federal Prisoner Debiton
(Dollars in Thousands)

Technical Adjustments	Direct Pos.	Estimate FTE	Amount
2 The Office of the Federal Detention Trustee merger with USMS	27	10	1,500,000
Transfers			
1 A transfer of \$12 is included in support of the Department's Justice Consolidated Office Network (JCON) and JCON STS programs which will be moved to the Young Capital Fund and provided as a disallowance in FY 2014			
Pay and Benefits	0	0	
1 Pay and Benefits			
The requested increase of \$5 is included for a proposed 1 percent pay raise to be effective in January of 2014. The amount requested, \$5, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$28 for pay and \$10 for benefits.)			
2 Annualization of 2013 Pay Rates			
This pay annualization represents first quarter amounts (October through December) of the 2013 pay increase of 0.5% included in the 2013 President's Budget. The amount requested \$5, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$3.8 for pay and \$1.2 for benefits)			58
6 Health Insurance			
For the fiscal year 2014, the component's contribution to Federal employees' health insurance increases by XX percent. Applied against the 2013 estimate of \$ the additional amount required is \$1,000.			5
7 Relocation			
Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 4.3 percent per year. The requested increase of \$5 is necessary to meet our increased retirement obligations as a result of this conversion.			9
			6
Subtotal, Pay and Benefits	0	0	56
TOTAL DIRECT TECHNICAL AND BASE ADJUSTMENTS	27	10	1,500,063

Crosswalk of 2012 Availability
Federal Prison Detention
(Dollars in Thousands)

Program Activity	2012 Appropriation Enacted w/o Balance Rescission			Reprogramming/Transfers			Carryover		Recovered/ Refunds		2012 Actual	
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Amount	Amount	Direct Pos.	Actual FTE	Amount	Amount
Detention Services	27	27	1,544,838	0	0	0	26,516	3,528	27	27	1,574,882	
JPATIS	0	0	35,757	0	0	0	0	0	0	0	35,757	
Total Direct FTE	27	27	1,580,595	0	0	0	26,516	3,528	27	27	1,610,639	
Grand Total FTE		27			0						27	

Carryover: OFDT carried forward \$26,516,482 from funds provided in FY 2011.

Recoveries: OFDT recovered \$3,527,891 from previous years for detention services as of 9/30/2012.

Note: The Crosswalk reflects resources under the OFDT appropriation

Crosswalk of 2013 Availability
Federal Prisoner Detention
(Dollars in Thousands)

Program Activity	FY 2013 Continuing Resolution			2013 Reprogramming/Transfers			2013 Carryover		2013 Recoveries/Refunds		2013 Availability		
	Direct Pos.	Estim. FTE	Amount	Direct Pos.	Estim. FTE	Amount	Amount	Amount	Amount	Amount	Direct Pos.	Estim. FTE	Amount
Detention Services	27	19	1,545,118	0	0	0	11,783	70,481	27	19	1,627,382		
JPATS	0	0	45,150	0	0	0	0	0	0	0	45,150		
Total Direct FTE	27	19	1,590,268	0	0	0	11,783	70,481	27	19	1,672,532		
Grand Total, FTE		19			0		0	0			19		

Carryover: OFDT carried forward \$11,782,843 from funds provided in FY 2012.

Recoveries: OFDT recovered \$70,480,947 from previous years for detention services as of 12/31/2012.

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

Note: The Crosswalk reflects resources under the OFDT appropriation.

Summary of Reimbursable Resources
Federal Prisoner Detention
(Dollars in Thousands)

Collections by Source	2012 Actual			2013 Planned			2014 Request			Increase/Decrease	
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE
Bureau of Prisons - Parole Violators	0	0	83	0	0	100	0	0	100	0	0
ICE - eIGA	0	0	150	0	0	150	0	0	150	0	0
Budgetary Resources	0	0	233	0	0	250	0	0	250	0	0

Obligations by Program Activity	2012 Actual			2013 Planned			2014 Request			Increase/Decrease	
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE
Detention Services	0	0	233	0	0	250	0	0	250	0	0
Budgetary Resources	0	0	233	0	0	250	0	0	250	0	0

Note. The 2012 Actual and 2013 Planned reflect resources under the OFDT appropriation. The 2014 Request reflects the shifting of OFDT resources to the PPD account

I. Detail of Permanent Positions by Category

Detail of Permanent Positions by Category Federal Prisoner Detention (Dollars in Thousands)				
Category	2012 Appropriation Enacted	2013 Continuing Resolution	2014 Request	
	Direct Pos.	Direct Pos.	Total	Direct Pos.
Senior Executive	2	2	2	2
Senior Level	1	1	1	1
Clerical and Office Services (300-399)	14	14	14	14
Accounting and Budget (500-599)	4	4	4	4
Attorneys (905)	2	2	2	2
Mathematics and Statistics (1500-1599)	1	1	1	1
Business & Industry (1100-1199)	2	2	2	2
Information Technology/Mgmt. (2210)	1	1	1	1
Total	27	27	27	27
Headquarters (Washington, D.C.)	27	27	27	27

Financial Analysis of Program Changes
Federal Prison Institution
(Data in Thousands)

Non-Personnel Costs	Debt/Debt Services	
	Housing of USMS Inmates	Amount
25.7 Operation and Maintenance of Equipment	Direct PPS	54,875
Total Program Change Requests	0	54,875

*Program Offset reflects a reversion of unobligated balances

K. Summary of Requirements by Grade

Summary of Requirements by Grade Federal Prisoner Detention (Dollars in Thousands)

Grades and Salary Ranges		2012 Enacted		2013 Continuing Resolution		2014 Request		Increase/Decrease	
		Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount
SES/SL	\$ 119,554 - 179,700	2	0	2	0	2	0	0	0
GS-15	\$ 123,758 - 155,500	10	0	10	0	10	0	0	0
GS-14	\$ 105,211 - 136,771	9	0	9	0	9	0	0	0
GS-13	\$ 89,033 - 115,742	6	0	6	0	6	0	0	0
Total, Appropriated Positions		27	0	27	0	27	0	0	0
Average SES Salary			170,000		170,850		171,700		
Average GS Salary			108,717		109,261		109,804		
Average GS Grade			14		14		14		

Note: The 2012 Enacted and 2013 Continuing Resolution reflect resources under the OFDT appropriation. The 2014 Request reflects the shifting of OFDT resources to the FPD account.

Summary of Requirements by Object Class
Federal Prisoner Detention
(Dollars in Thousands)

Object Class	2012 Actual		2013 Availability*		2014 Request		Increase/Decrease	
	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 Full-Time Permanent	21	2,738	19	2,477	19	2,518	0	41
Other Object Classes								
12.0 Personnel Benefits		837		757		772		15
21.0 Travel and Transportation of Persons		80		80		80		0
22.0 Transportation of Things		7		7		7		0
23.1 Rental Payments to GSA		555		555		555		0
23.2 Rental Payments to Others		26		26		26		0
23.3 Communications, Utilities, and Miscellaneous Charges		101		101		101		0
25.1 Advisory and Assistance Services		13,880		13,880		13,880		0
25.2 Other Services from Non-Federal Sources		45,414		45,414		45,414		0
25.3 Other Goods and Services from Federal Sources		765		765		777		12
25.6 Medical Care		20,994		20,994		20,994		0
25.7 Operation and Maintenance of Equipment		8		8		8		0
25.8 Subsistence and Support of Persons		1,495,486		1,495,486		1,550,361		54,875
26.0 Supplies and Materials		20		20		20		0
31.0 Equipment		25		25		25		0
Total Obligations		1,599,090		1,580,695		1,635,638		64,943
Subtract - Unobligated Balance, Start-of-Year		-26,516		-11,783		0		11,783
Subtract - Recoveries/Refunds		-3,528		-70,481		0		70,481
Add - Unobligated End-of-Year, Available		11,783		0		0		0
Total Direct Requirements	0	1,550,828	0	1,498,331	0	1,635,638	0	137,207

*The 2013 Availability includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

Note: The 2012 Enclosed and 2013 Availability reflect resources under the OCFDT appropriation. The 2014 Request reflects the shifting of OCFDT resources to the FPD account.

Fees and
Expenses
of
Witnesses

FY 2014
President's
Budget
Submission

FY 2014 OMB Budget Request
Fees and Expenses of Witnesses

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I. Overview for Fees and Expenses of Witnesses

For the Fees and Expenses of Witnesses (FEW) appropriation, the Department requests a total funding level of \$270,000,000 for FY 2014 to remain available until expended. This resource level is the same request as the FY 2012 Enacted level and the FY 2013 President's Request. The FEW is a mandatory appropriation and is under Strategic Goal III to ensure the Fair and Efficient Administration of Justice. Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address:
<http://www.justice.gov/02organizations/bpp.htm>.

The Fees and Expenses of Witnesses activity provides funding for all fees and expenses associated with the provision of testimony on behalf of the Federal Government. Specifically, there are two types of witnesses that are compensated under the provisions of this activity. Fact witnesses testify as to events or facts about which they have personal knowledge. These witnesses are paid a statutorily established rate of \$40 per day plus reasonable amounts for travel and certain other costs associated with their appearance. Expert witnesses provide technical or scientific testimony and are compensated based on negotiations with the respective Federal Government attorney. Funding allocated to this activity is also used to pay the fees of physicians and psychiatrists who examine defendants upon order of the court to determine their fitness to stand trial.

The Emergency Witness Assistance Program allows the Government to aid witnesses who might not otherwise testify because of perceived threats surrounding the litigation. This program started in 1997 and is limited to a participation period not to exceed 30 days. The services provided include transportation needs, temporary housing, temporary subsistence, emergency telephone calls, and child/elder care.

The Protection of Witnesses activity provides funding for the security of government witnesses, or potential government witnesses, and their families when their testimony, concerning organized criminal activity, may jeopardize their personal security. Typical expenses include, but are not limited to, subsistence, housing, medical and dental care, travel, documentation, identity changes, one-time relocation, costs associated with obtaining employment, and other miscellaneous expenses. This activity also provides for construction and maintenance of strategically located safe site facilities to house protected witnesses before and during trial; the purchase and maintenance of armored vehicles; and the maintenance of a secured network.

The Victim Compensation Fund was established by Section 1208 of the Comprehensive Crime Control Act (Title II of P.L. 98-473). The Fund is used by the Attorney General to "pay restitution to, or in the case of death, compensation for the death of any victim of a crime that causes or threatens death or serious bodily injury and that is committed by any person during a period in which that person is provided protection under this chapter." In the case of death, an amount not to exceed \$50,000 may be paid to the victim's estate. Moreover, the act authorizes payment of an amount not to exceed \$25,000 to the estate of any individual whose death was caused by a protected witness before the enactment of this law.

The Private Counsel activity was established under 28 C.F.R. 50.15 and 50.16, whereby, the Civil Division is authorized to retain private counsel to represent government officers and

employees who are sued, charged or subpoenaed for actions taken while performing their official duties. Further, funding allotted to this activity is used to pay private legal representation expenses associated with the provision of testimony before Congressional committees in instances wherein government counsel is precluded from representing Federal Government employees, or in instances wherein private counsel is otherwise appropriate.

The District of Columbia Superior Court Informant Program (SCIP) was established upon passage of the 1991 Dire Emergency Supplemental Appropriations Act. Unlike the Witness Security program, which provides permanent relocations and identity changes, the SCIP provides temporary relocation and limited protective services to witnesses who provide prosecution testimony in District of Columbia Superior Court cases.

The Alternative Dispute Resolution activity funds the expenses of hiring third party neutrals and witnesses in resolution proceedings.

The Foreign Counsel activity was established under 28 C.F.R. § 0.46, whereby, the Civil Division is authorized to all other civil litigation including claims by or against the United States, its agencies or officers, in domestic or foreign courts, special proceedings, and similar civil matters not otherwise assigned, and shall employ foreign counsel to represent before foreign criminal courts, commissions or administrative agencies of the Department of Justice and all other law enforcement officers of the United States who are charged with violations of foreign law as a result of acts which they performed in the course and scope of Government services.

II. Summary of Program Changes

In FY 2014, the Fees and Expenses of Witnesses Appropriation request is \$270 million, which includes a program increase for a USMS Alternative Safe Site and Orientation Center funded with existing funds. A one-time increase of \$6 million in spending authority for construction of buildings in the protection of witnesses allotment is requested as an appropriations language change in order to fund the center construction in FY 2014.

III. Appropriations Language and Analysis of Appropriations Language

Appropriations Language

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, \$270,000,000, to remain available until expended, of which not to exceed \$10,000,000 [\$16,000,000] is for construction of buildings for protected witness safesites; not to exceed \$3,000,000 is for the purchase and maintenance of armored and other vehicles for witness security caravans; and not to exceed \$11,000,000 is for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

Analysis of Appropriations Language

Increase is requested as part of program change to allow for construction of the USMS ASOC.

IV. Decision Unit Justification

A. Fees and Expenses of Witnesses

<i>Fees and Expenses of Witnesses</i>	Perm. Pos.	FTE	Amount
2012 Enacted			214,622
2013 Enacted			214,622
2014 Current Services			214,622
2014 Program Increases			0
2014 Program Offsets			0
2014 Request			214,622
Total Change 2013-2014			0

Base Program Description:

This program provides for payment of fees and expenses of expert witnesses who appear on behalf of the Federal Government when scientific or technical expertise is required in the prosecution or defense of a case. The pursuit of complex litigation by the Department would not be possible without qualified experts to testify and to refute the non-legal particulars of individual cases. The testimony of expert witnesses is essential to the successful outcome of such litigation. While a wide array of specialized disciplines are involved in the Department's litigation, experts from certain disciplines are used extensively. For example, approximately seventy percent of expert witnesses used by the Department in 2010 were physicians, psychiatrists, appraisers, engineers, or economists. Also, the testimony of fact witnesses is used in court proceedings by the Department's legal divisions and the United States Attorneys. Fact witnesses are needed in a wide range of court proceedings, as well as pre-trial conferences. Daily attendance fees and other expenses paid to fact witnesses are intended to defray the costs of appearing to testify. The attendance fee is set by law. Courts often order the Federal Government to pay the costs associated with mental competency examinations conducted by physicians or psychiatrists. These examinations are performed in an attempt to determine whether an accused person is mentally competent to stand trial and/or was mentally competent at the time of the offense.

Planned Base Initiatives:

- To provide adequate funding for payment of fees and related expenses incurred by individuals who provide factual, technical or scientific testimony on behalf of the United States or court designated indigent individuals, as provided by law. Funds provided for this activity also guarantee the right of accused persons to a fair and impartial trial by ensuring that the accused is mentally competent to stand trial and that the court has testimony regarding the mental competency of the accused at the time of the alleged offense.
- To provide reasonable compensation for expert witnesses, who testify on behalf of the United States, at rates established by the Attorney General or the Assistant Attorney General for Administration, pursuant to 28 U.S.C. § 524.

- To provide adequate resources to compensate fact witnesses who testify on behalf of the Federal Government for the expenses associated with the attendance at legal proceedings. The court-attendance fee paid to fact witnesses is set by law (28 U.S.C. § 1821). As a result of Public Law 96-346 (September 10, 1980), the amounts authorized for travel, per diem and mileage are set by regulations governing official travel by federal employees and promulgated by the Administrator of the General Services Administration.
- To provide adequate resources to compensate fact witnesses used by those defendants designated as indigent by the courts. Expenses are paid to those witnesses who appear in criminal proceedings in Federal court for the indigent defendants.
- To provide payment for the fees and expenses of psychiatrists who perform court-ordered evaluations to determine the mental competency of defendants, pursuant to 18 U.S.C. § 4241, § 4242, and § 4248.

B. Protection of Witnesses

<i>Protection of Witnesses</i>	Perm. Pos.	FTE	Amount
2012 Enacted			43,661
2013 Enacted			43,661
2014 Current Services			43,661
2014 Program Increases			0
2014 Program Offsets			0
2014 Request			43,661
Total Change 2013-2014			0

Base Program Description:

The procedure for designating a person as a protected witness is set forth in Department of Justice OBD Order 2110.2 "Witness Protection and Maintenance Policy and Procedures." This order places within the United States Marshals Service the responsibility for the security of these witnesses and their families. This program provides for their financial maintenance including the following: subsistence expenses; housing; medical and dental expenses; travel; documentation expenses for identity changes; one-time relocation; costs for obtaining employment; and other miscellaneous expenses. This activity also provides for construction and maintenance of strategically located safe site facilities to house protected witnesses before and during trial. Therefore, the Witness Protection Program provides the funding for the protective services offered to the District of Columbia Superior Court Witnesses for subsistence expenses; travel; temporary relocation and other miscellaneous expenses.

Planned Base Initiatives:

- To increase the effectiveness of the Department's efforts to combat criminal activity in such areas as organized crime, drugs or narcotics, and murder or conspiracy to commit murder, by ensuring the safety of endangered or threatened witnesses.
- To protect witnesses and their families when the testimony of the witnesses may jeopardize their personal security.
- To compensate witnesses for subsistence costs such as housing, food, relocation, and incidental expenses as provided by the Witnesses Security Reform Act of 1984.
- To provide orientation, documentation, and family-oriented services to new WITSEC Program entrants. In FY 2010 a realignment of the current program structure was proposed by eliminating the Superior Court Informant Program (SCIP) and moving the funds previously allotted for the SCIP in the amount of (\$1.0 million) to the Protection of Witnesses decision unit. A formal notification of the proposed decision unit realignment will be transmitted once the FY 2010 President's request is enacted.
- To increase the effectiveness of Federal prosecutions in the District of Columbia by providing funding to temporarily relocate District of Columbia Superior witnesses who face potential danger as a result of their participation in Superior Court prosecutions.
- To provide funding to temporarily protect Superior Court witnesses and their families when the testimony of the witnesses may jeopardize their personal security.
- To compensate Superior Court witnesses for subsistence costs such as food, temporary relocation, and other expenses incidental to their protection.

C. Victim Compensation Fund

<i>Victim Compensation Fund</i>	Perm. Pos.	FTE	Amount
2012 Enacted			0
2013 Enacted			0
2014 Current Services			0
2014 Program Increases			0
2014 Program Offsets			0
2014 Request			0
Total Change 2013-2014			0

Base Program Description:

This program provides resources to compensate individuals who are victimized by protected witnesses. The Fund was initially funded by the 1985 Supplemental Appropriations Act (P.L. 99-88).

Restitution will not exceed \$50,000 for those victimized since the establishment of the Fund. Restitution not to exceed \$25,000 shall be paid to the estate of victims killed as a result of crimes committed by persons who have been enrolled in the Witness Security Program if such crimes were committed prior to enactment of P.L. 98-473. The Department paid \$22,500 from this program in FY 2006 and 2007. No costs are anticipated for this program in FY 2011 and FY 2012.

Planned Base Initiative:

- To provide compensation to those individuals, or, in the case of death, to the individual's estate, who are victimized by a protected witness.

D. Private Counsel

<i>Private Counsel</i>	Perm. Pos.	FTE	Amount
2012 Enacted			7,000
2013 Enacted			7,000
2014 Current Services			7,000
2014 Program Increases			0
2014 Program Offsets			0
2014 Request			7,000
Total Change 2013-2014			0

Base Program Description:

This activity provides funding to allow the Department to retain outside private counsel to represent Government officers and employees who are sued for actions taken while performing their official duties. As provided for under 28 C.F.R. 50.15 and 50.16, the Civil Division is delegated the authority to retain such counsel and further provided that payments for such services will be payable from the Department of Justice appropriations.

Planned Base Initiatives:

- To continue to defend Federal employees personally sued for carrying out official duties. To retain private counsel to represent Government officers and employees who are sued for actions taken while performing their official duties.

E. Superior Court Informant Program

<i>Superior Court Informant Program</i>	Perm. Pos.	FTE	Amount
2012 Enacted			0
2013 Enacted			0
2014 Current Services			0
2014 Program Increases			0
2014 Program Offsets			0
2014 Request			0
Total Change 2013-2014			0

Base Program Description:

This program provides for funding for the protective services offered to the District of Columbia Superior Court witnesses. Specifically, funding is provided for subsistence expenses; travel; temporary relocation and other miscellaneous expenses. Funding in 1996 was provided from available balances. All participants have already converted to the Witness Security Program (WSP). No one has entered this short term program in four years. Due to the lack of activity in this program, previously available funding has been moved into the allotment for Protection of Witnesses where SCIP funding originated.

F. Alternative Dispute Resolution

<i>Alternative Dispute Resolution</i>	Perm. Pos.	FTE	Amount
2012 Enacted			1,300
2013 Enacted			1,300
2014 Current Services			1,300
2014 Program Increases			0
2014 Program Offsets			0
2014 Request			1,300
Total Change 2013-2014			0

Base Program Description:

Alternative Dispute Resolution (ADR) encompasses a wide range of problem-solving and conflict management techniques including mediation, early neutral evaluation, arbitration and mini-trials. ADR processes offer the opportunity to settle pending civil litigation in ways that can be more efficient than unassisted negotiations, and on terms that can be more advantageous to the parties. According to the National Performance Review, ADR can enhance the public's access to justice by reducing delays and costs associated with government litigation. ADR can provide quick solutions in government disputes which, in turn, produce savings in interest payments on outstanding debts that the government owes in cases in litigation. ADR can provide quick solutions in government disputes which, in turn, produce savings in interest payments on outstanding debts that the government owes in cases in litigation. ADR can provide flexibility,

creativity, and control that lawyers and clients do not enjoy in litigation. Moreover, ADR often produces better, more comprehensive long-term solutions to problems.

Planned Base Initiatives:

- To attempt resolution of civil disputes and litigation by using professional services of a mediator, arbitrator or other alternative dispute resolution provider.
- To provide funding to pay the Government's share of the costs incurred during ADR proceedings.

G: Foreign Counsel

<i>Foreign Counsel</i>	Perm. Pos.	FTE	Amount
2012 Enacted			3,417
2013 Enacted			3,417
2014 Current Services			3,417
2014 Program Increases			0
2014 Program Offsets			0
2014 Request			3,417
Total Change 2013-2014			0

Base Program Description:

This activity provides funding to allow the Department to retain outside foreign counsel to represent Government officers and employees who are sued in a foreign country while performing their official duties. As provided under 28 C.F.R. § 0.46, the Civil Division is delegated the authority to retain such counsel and further provided that payment for such services will be payable from the Department of Justice appropriations.

Planned Base Initiatives:

- To continue to defend Federal employees personally sued for carrying out official duties. To retain foreign counsel to represent Government officers and employees who are sued for actions taken while performing their official duties in a foreign country.

V. Program Increases by Item

A. Item Name: **Alternate Safe Site and Orientation Center**

Budget Decision Unit(s): Not Applicable

Strategic Goal(s) & Objective(s):

- 1.1 Prevent, disrupt and defeat terrorist operations before they occur
- 1.2 Prosecute those involved in terrorist acts
- 2.4 Combat corruption, economic crimes, and international organized crime
- 3.2 Protect judges, witnesses, and other participants in federal proceedings; apprehend fugitives; and ensure the appearance of criminal defendants for judicial proceedings or confinement.

Organizational Program: Witness Security Program

Component Ranking of Item: Not Applicable

Program Increase: Positions 0 Agt/Atty 0 FTE 0 Dollars \$20,000,000

Description of Item

The USMS requests \$20,000,000 from the Fees and Expenses of Witnesses (FEW) account to fund site preparation, design, and construction of an Alternate Safe Site and Orientation Center (ASSOC) to process new witnesses into the Witness Security Program.

Justification

In July 2006, the USMS identified and highlighted operational security risks relating to the integrity, security, and location identity of the Witness Security Program's (WSP) sole orientation center. The original Safe Site and Orientation Center (SSOC) has been heavily trafficked because it has been processing witness security cases in the same region for over twenty years since its construction in the 1980s. Subsequently, a working group was formed to evaluate the operational and administrative requirements for the development and construction of an Alternate Safe Site and Orientation Center (ASSOC). This group identified that building an alternate site would allow the USMS to change the location of witness in-processing to ensure the continuity of security within the Witness Security Program. Further, a new site would provide much needed modern technological updates and more space for record storage. The government estimated cost for design and construction of a 15,000 square foot facility is estimated at \$20,000,000 which includes: \$2,000,000 for site design; \$4,000,000 for site preparation and road relocation; and \$14,000,000 for turnkey construction to include all furnishings and security. The estimated annual recurring costs are: \$780,000 for security, \$540,000 for cleaning and maintenance, and \$475,000 for rent and utilities.

The USMS proposes the construction of a new ASSOC for the witness protection program by using current funding and anticipated recoveries within the appropriation via a phased building approach over multiple fiscal years and requiring only one year of appropriations language change for the \$10 million construction cap as outlined below:

- **FY 2013: Building Design, site preparation, and road relocation.** Appropriations construction cap remains \$10 million as submitted in the President's Budget. An increased allocation of funds to address other areas of witness protection is estimated to be \$5 million above the FY 2012 allocation of \$38.8 million (current services of \$43.8 million) in order to fund the initial round of construction needs as well as all other areas of the Witness Security Program.
- **FY 2014: Construction of Building.** Appropriations language change of an additional \$6 million for construction (total of \$16 million) proposed to fully fund building the facility. Allocation of an additional \$12 million above the FY 2012 allocation of \$38.8 million is estimated as needing to fund construction and other needs for the program.
- **FY 2015: Build Out complete and security.** Appropriations language construction cap reverts to \$10 million. Estimated need of an additional \$3 million above the FY 2012 allocation of \$38.8 million will be required to fund this phase and other needs of the program.

The USMS will work directly with DOJ Budget Staff in this project construction to ensure the continuity, security, and financial solvency of the witness security program remains intact. The new facility will improve security of the witness protection program, be funded through existing resources, and include needed technological updates and additional space for record storage as part of witness protection.

Impact on Performance (Relationship of Increase to Strategic Goals and Priority)

This initiative supports the FY 2012-2016 DOJ Strategic Goal and Objectives under Goal 1: Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law. Within Goal 1 it supports objective (1.1) Prevent, disrupt and defeat terrorist operations before they occur and Objective (1.2) Prosecute those involved in terrorist acts. The initiative also supports Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce federal Law and Objective (2.4) Combat corruption, economic crimes, and international organized crime. Finally, the initiative supports Goal 3: Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal and international Levels and Objective (3.2) Protect judges, witnesses, and other participants in federal proceedings; apprehend fugitives; and ensure the appearance of criminal defendants for judicial proceedings or confinement.

The USMS supports these objectives through the administration of the federal Witness Security Program and the DOJ prosecution of criminal organizations involved in organized crime, international and national terrorism. Building an additional processing facility will ensure greater protection of witnesses entering the Witness Security Program with multiply locations available, making it difficult for outside sources to target specific clients and cases when there is more than one option for processing. A high security processing facility will enhance the DOJ ability to prosecute high threat terrorist, organized crime and international organized crime.

Funding**Base Funding**

FY 2012 Enacted				FY 2013 President's Budget Request				FY 2014 Current Services			
Pos	Agt	FTE	\$(000)	Pos	Agt	FTE	\$(000)	Pos	Agt	FTE	\$(000)
0	0	0	\$38,805	0	0	0	\$38,805	0	0	0	\$38,805

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2014 Request (\$000)	FY 2015 Net Annualization (change from 2014) (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)
Total Personnel	\$0	0	\$0	\$0	\$0

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2014 Request (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)	FY 2016 Net Annualization (Change from 2015) (\$000)
Design of Site	\$2,000	1	\$2,000	(\$2,000)	\$0
Site Prep/Road Relocation	\$4,000	1	\$4,000	(\$4,000)	\$0
Construction	\$14,000	1	\$14,000	(\$14,000)	\$0
Recurring - Security				\$780	\$0
Recurring - Maintenance				\$540	\$0
Recurring - Rent				\$475	\$0
Total Non-Personnel			\$20,000	(\$18,205)	\$0

Total Request for this Item

	Pos	Agt	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)	FY 2016 Net Annualization (Change from 2015) (\$000)
Current Services	0	0	0	\$0	\$38,805	\$38,805	\$0	\$0
Increases	0	0	0	\$0	\$20,000	\$20,000	(\$18,205)	\$0
Grand Total	0	0	0	\$0	\$58,805	\$58,805	(\$18,205)	\$0

VII. EXHIBITS

B. Summary of Requirements

Summary of Requirements
Fees and Expenses of Witnesses
Salaries and Expenses
(Dollars in Thousands)

	FY 2014 Request	
	Direct Pos.	Estimate FTE Amount
2012 Enacted	0	270,000
Total 2012 Enacted (with Balance Rescission)	0	270,000
2013 Continuing Resolution	0	270,000
Total Technical and Base Adjustments	0	270,000
2014 Current Services	0	0
Program Changes	0	270,000
Increases	0	0
USMS Alternative Site Orientation Center	0	15,000
Subtotal, Increases	0	15,000
Total Program Changes	0	15,000
2014 Total Request (with Balance Rescission)	0	15,000
2012 - 2014 Total Change	0	270,000

Note: There are no FTE associated with the FEW appropriation.

B. Summary of Requirements

Summary of Requirements
Fees and Expenses of Witnesses
Salaries and Expenses
(Dollars in Thousands)

Program Activity	2012 Appropriation Enacted			2013 Continuing Resolution *			2014 Technical and Base Adjustments			2014 Current Services		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Fees and Expenses for Witnesses	0	0	214,622	0	0	214,622	0	0	0	0	0	214,622
Protection of Witnesses	0	0	43,661	0	0	43,661	0	0	0	0	0	43,661
Victim Compensation	0	0	0	0	0	0	0	0	0	0	0	0
Private Counsel	0	0	7,000	0	0	7,000	0	0	0	0	0	7,000
Superior Court Informant	0	0	0	0	0	0	0	0	0	0	0	0
Alternative Dispute Resolution	0	0	1,300	0	0	1,300	0	0	0	0	0	1,300
Foreign Counsel	0	0	3,417	0	0	3,417	0	0	3,417	0	0	3,417
Total Direct	0	0	270,000	0	0	270,000	0	0	0	0	0	270,000
Balance Recission												
Total Direct with Recission			270,000			270,000						270,000
Reimbursable FTE												
Total Direct and Reimb. FTE												
Other FTE												
LEAP												
Overtime												
Grand Total, FTE	0	0		0	0							

Program Activity	2014 Increases			2014 Offsets			2014 Request		
	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Fees and Expenses for Witnesses	0	0	0	0	0	0	0	0	214,622
Protection of Witnesses	0	0	16,000	0	0	0	0	0	43,661
Victim Compensation	0	0	0	0	0	0	0	0	0
Private Counsel	0	0	0	0	0	0	0	0	7,000
Superior Court Informant	0	0	0	0	0	0	0	0	0
Alternative Dispute Resolution	0	0	0	0	0	0	0	0	1,300
Foreign Counsel	0	0	0	0	0	0	0	0	3,417
Total Direct	0	0	0	0	0	0	0	0	270,000
Balance Recission									
Total Direct with Recission			0			0			270,000
Reimbursable FTE									
Total Direct and Reimb. FTE									
Other FTE									
LEAP									
Overtime									
Grand Total, FTE	0	0		0	0				

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101(e)).

FY 2014 Program Increases/Offsets by Decision Unit
Fees and Expenses of Witnesses
Salaries and Expenses
(Dollars in Thousands)

Program Increases	Location of Description by Program Activity	Protection of Witnesses			Total Increases		
		Direct Pos.	Agt./ Atty.	Est. FTE Amount	Direct Pos.	Agt./ Atty.	Est. FTE Amount
USMS Alternative Orientation Site		0	0	0	0	0	0
Total Program Increases		0	0	0	0	0	0

D. Resources by DOJ Strategic Goal and Strategic Objective

Resources by Department of Justice Strategic Goal/Objective
 Fees and Expenses of Witnesses
 Salaries and Expenses
 (Dollars in Thousands)

Strategic Goal and Strategic Objective	2012 Appropriation			2013 Continuing Resolution *			2014 Current Services			2014 Increases			2014 Offsets			2014 Total Request		
	Direct Reimb FTE	Direct Amount	Direct Reimb FTE	Direct Reimb FTE	Direct Amount	Direct Reimb FTE	Direct Reimb FTE	Direct Amount	Direct Reimb FTE	Direct Amount	Direct Reimb FTE	Direct Amount	Direct Reimb FTE	Direct Amount	Direct Reimb FTE	Direct Amount	Direct Reimb FTE	Direct Amount
Goal 1 Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law																		
1.1 Prevent, disrupt, and defeat terrorist operations before they occur.																		
1.2 Prosecute those involved in terrorist acts.																		
1.3 Combat espionage against the United States. Subtotal, Goal 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Goal 2 Prevent Crime, Protect the Rights of the American People, and enforce Federal Law																		
2.1 Combat the threat, incidence, and prevalence of violent crime.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2.2 Prevent and intervene in crimes against vulnerable of violent crim	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2.3 Combat the threat, trafficking, and use of illegal drugs and the div	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2.4 Combat corruption, economic crimes, and international organized crime.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2.5 Protect and protect Americans' civil rights.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2.6 Protect the federal fisc and defend the interests of the United Stat	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal, Goal 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Goal 3 Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal and International Levels.																		
3.1 Promote and Strengthen relationship and strategies for the administration of justice with state, local, tribal and international law enforcement.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3.2 Protect judges, witnesses, and other participants in federal proceedings, appellate judges, and ensure the appearance of criminal defendants for judicial proceedings or confinement.	0	270,000	0	270,000	0	270,000	0	270,000	0	(6,000)	0	0	0	0	0	270,000	0	270,000
3.3 Provide for the safe, secure, humane, and cost-effective confinement of detainees awaiting trial and/or sentencing, and those of the custody of the Federal Prison System	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3.4 Adjudicate all immigration cases promptly and impartially in accordance with due process.	0	270,000	0	270,000	0	270,000	0	270,000	0	(6,000)	0	0	0	0	0	270,000	0	270,000
Subtotal, Goal 3	0	270,000	0	270,000	0	270,000	0	270,000	0	(6,000)	0	0	0	0	0	270,000	0	270,000
TOTAL	0	270,000	0	270,000	0	270,000	0	270,000	0	(6,000)	0	0	0	0	0	270,000	0	270,000

Note: Excludes Balance Reversion and/or Supplemental Appropriations.

The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

F. Crosswalk of 2012 Availability

Crosswalk of 2012 Availability
Fees and Expenses of Witnesses
Salaries and Expenses
 (Dollars in Thousands)

Program Activity	2012 Appropriation Enacted w/o Balance Recission			Balance Recission			Reprogramming/Transfers			Carryover		Recoveries/ Refunds		2012 Actual		
	Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Amount	Pos.	Amount	Pos.	Actual FTE	Amount	
Fees and Expenses for Witnesses	0	0	214,622	0	0	0	0	0	0	63,540	0	26,786	0	0	324,958	
Protection of Witnesses	0	0	43,661	0	0	0	0	0	0	23,540	0	11,113	0	0	81,175	
Victim Compensation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Private Counsel	0	0	7,000	0	0	0	0	0	0	2,454	0	1,035	0	0	10,469	
Supervisor Court Informant	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Alternative Dispute Resolution	0	0	1,300	0	0	0	0	0	0	40	0	17	0	0	1,357	
Foreign Counsel	0	0	3,417	0	0	0	0	0	0	0	0	0	0	0	3,417	
Total Direct	0	0	270,000	0	0	0	0	0	0	92,378	0	38,959	0	0	407,336	
Reimbursable FTE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Total Direct and Reimb. FTE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Other FTE:	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
LEAP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Overtime	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Grand Total FTE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

Carryover:

The FEW appropriation had \$92,378,000 in carryover at the start of FY 2012. These funds will be available for obligation until expended.

Recoveries/Refunds:

FEW had \$38,959,000 in prior year recoveries. These funds will be made available in subsequent fiscal years until expended.

Crosswalk of 2013 Availability
Fees and Expenses of Witnesses
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2012 Appropriation Enacted			2013 Supplemental Appropriation		2013 Reprogramming/Transfers			2013 Carryover		2013 Recoveries/Refunds		2013 Availability		
	Direct Pos.	Estim. FTE	Amount	Amount	Amount	Direct Pos.	Estim. FTE	Amount	Amount	Amount	Direct Pos.	Estim. FTE	Amount	Amount	Amount
Fees and Expenses for Witnesses	0	0	214,622	0	0	0	0	0	122,126	5,467	0	0	342,215	0	0
Protection of Witnesses	0	0	43,661	0	0	0	0	0	50,635	2,267	0	0	96,563	0	0
Victim Compensation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Private Counsel	0	0	7,000	0	0	0	0	0	4,717	211	0	0	11,928	0	0
Superior Court Informant	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Alternative Dispute Resolution	0	0	1,300	0	0	0	0	0	74	2	0	0	1,376	0	0
Foreign Counsel	0	0	3,417	0	0	0	0	0	4	4	1	0	3,422	0	0
Total Direct	0	0	270,000	0	0	0	0	0	177,556	7,948	0	0	455,504	0	0
Balance Rescission			0												
Total Direct with Rescission			270,000											455,504	
Reimbursable FTE		0					0		0	0		0			
Total Direct and Reimb. FTE		0					0		0	0		0			
Other FTE:															
LEAP		0					0		0	0		0			
Overtime															
Grand Total FTE		0					0		0	0		0			

Carryover:

The FEW appropriation had a carryover of \$177,556,000 in FY 2013. This amount is inclusive of an increased appropriation in FY 2011 to \$270 million while obligation rates have not materialized as anticipated to meet this increase.

Recoveries/Refunds:

In the first quarter of FY 2013, \$7,948,000 was recovered from prior year obligations. These funds will remain available for subsequent obligation until used.

L. Summary of Requirements by Object Class

Summary of Requirements by Object Class
Fees and Expenses of Witnesses
Salaries and Expenses
(Dollars in Thousands)

Object Class	2012 Actual		2013 Availability *		2014 Request		Increase/Decrease	
	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	FTE	Amount
11.1 Full-Time Permanent	0	0	0	0	0	0	0	0
11.3 Other than Full-Time Permanent	0	0	0	0	0	0	0	0
11.5 Other Personnel Compensation	0	0	0	0	0	0	0	0
Overtime	0	0	0	0	0	0	0	0
Other Compensation	0	0	0	0	0	0	0	0
11.8 Special Personal Services Payments	0	201,377	0	243,565	0	243,565	0	0
Total	0	201,377	0	243,565	0	243,565	0	0
Other Object Classes								
12.0 Personnel Benefits	14	15	15	15	15	15	0	0
13.0 Benefits for Former Personnel	0	0	0	0	0	0	0	0
21.0 Travel and Transportation of Persons	11,330	13,330	13,330	13,330	13,330	13,330	0	0
22.0 Transportation of Things	0	0	0	0	0	0	0	0
23.1 Rental Payments to GSA	0	0	0	0	0	0	0	0
23.2 Rental Payments to Others	0	0	0	0	0	0	0	0
23.3 Communications, Utilities, and Miscellaneous Charges	0	0	0	0	0	0	0	0
25.0 Printing and Reproduction	0	0	0	0	0	0	0	0
25.1 Advisory and Assistance Services	1,363	2,000	2,000	2,000	2,000	2,000	0	0
25.2 Other Services from Non-Federal Sources	0	0	0	0	0	0	0	0
25.3 Other Goods and Services from Federal Sources	2,317	3,000	3,000	3,000	3,000	3,000	0	0
25.4 Operation and Maintenance of Facilities	0	0	0	0	0	0	0	0
25.5 Research and Development Contracts	0	0	0	0	0	0	0	0
25.6 Medical Care	163	200	200	200	200	200	0	0
25.7 Operation and Maintenance of Equipment	28	40	40	40	40	40	0	0
25.8 Subsistence and Support of Persons	6,419	7,000	7,000	7,000	7,000	7,000	0	0
26.0 Supplies and Materials	550	600	600	600	600	600	0	0
31.0 Equipment	220	250	250	250	250	250	0	0
32.0 Land and Structures	0	0	0	0	0	0	0	0
41.0 Grants, Subsidies, and Contributions	0	0	0	0	0	0	0	0
42.0 Insurance Claims and Indemnities	0	0	0	0	0	0	0	0
Total Obligations	23,781	27,000	27,000	27,000	27,000	27,000	0	0
Subtract - Unobligated Balance, Start-of-Year	-92,378	-177,556	-177,556	-177,556	-177,556	-177,556	0	177,556
Subtract - Transfers/Reprogramming	0	0	0	0	0	0	0	0
Subtract - Recoveries/Refunds	-38,959	-7,948	-7,948	-7,948	-7,948	-7,948	0	7,948
Add - Unobligated End-of-Year, Available	177,556	280,358	280,358	280,358	280,358	280,358	0	-280,358
Add - Unobligated End-of-Year, Expiring	0	0	0	0	0	0	0	0
Total Direct Requirements	0	270,000	0	304,854	0	270,000	0	-94,854
Reimbursable FTE	0	0	0	0	0	0	0	0
Full-Time Permanent	0	0	0	0	0	0	0	0
23.1 Rental Payments to GSA (Reimbursable)	0	0	0	0	0	0	0	0
25.3 Other Goods and Services from Federal Sources - DHS Security (Reimbursable)	0	0	0	0	0	0	0	0

*The 2013 Availability includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (e)).

U.S. Department of Justice

**FY 2014 PERFORMANCE BUDGET
Congressional Submission**

Community Relations Service

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I. Overview for Community Relations Service

In fiscal year 2014, the Community Relations Service (CRS) requests 64 positions (including 2 attorneys), 48 FTE, and \$12,464,000. CRS' request includes a program enhancement of 8 positions, 4 FTE and \$547,000 which will allow it to successfully fulfill its mandate under the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (P.L. 111-84, 2009) ("Hate Crimes Protection Act"). CRS' information technology (IT) program is allotted one FTE position and three current contract employees. Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.justice.gov/02organizations/bpp.htm>"

CRS, an agency within the U.S. Department of Justice, was created under Title X of the historic Civil Rights Act of 1964 (42 U.S.C. §2000g et seq.) signed into law by President Lyndon B. Johnson on July 2, 1964. Title X of the 1964 law mandated CRS' creation and its duties and responsibilities. Pursuant to the Hate Crimes Protection Act, CRS is authorized to work with communities to help them develop the capacity to prevent and respond more effectively to violent hate crimes allegedly committed on the basis of actual or perceived race, color, national origin, gender, gender identity, sexual orientation, religion, or disability.

CRS is headquartered in Washington, D.C. and is a single decision unit that plays a significant role in accomplishing **DOJ's Strategic Goal #2 - Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law**. While working in support of Strategic Goal #2, CRS also helps support **DOJ's Strategic Goal #3 Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal, and International Levels**. CRS serves as the Department's "peacemaker" for community conflicts and tensions arising from actual or perceived discriminatory practices based on race, color, or national origin. CRS also helps communities prevent and respond to violent hate crimes committed on the basis of race, color, national origin, gender, gender identity, religion, sexual orientation, or disability.

CRS provides specialized mediation and conciliation services to state, local and federal officials and communities throughout the United States. The Agency's goal is to assist in resolving and preventing racial, ethnic and national origin community conflicts, civil disorder, and violent hate crimes on the basis of race, color, national origin, gender, gender identity, sexual orientation, religion, or disability. CRS has 10 Regional offices and 4 field offices in the following locations: Boston; New York; Philadelphia; Chicago (field office in Detroit); Kansas City, MO; Denver; Los Angeles (field office in San Francisco); Dallas (field office in Houston); Atlanta (field office in Miami); and Seattle.

CRS is a remarkably unique federal component dedicated to assisting state and local units of government, private and public organizations, and community groups develop local capacity to prevent racial and ethnic tensions. CRS can also assist willing parties and explore opportunities to develop and implement local strategies that can help law enforcement, local officials, civil rights organizations, and interested community groups respond to alleged hate crimes and find ways to prevent future incidents. CRS conciliators also assist in restoring stability and accord to communities following civil disorder, or in initiating rumor control to prevent misinformation from spreading throughout a community.

State and local law enforcement officials and community leaders may contact CRS to request assistance in improving communication between law enforcement and community members in the aftermath of a hate crime. CRS improves community response mechanisms, by facilitating the

development of community capacity to help prevent hate crimes with services and programs that include: conciliation, mediation, training, technical assistance, and other tension reduction techniques. CRS may help facilitate dialogue between law enforcement and community members to increase mutual understanding about the investigative and prosecutorial process as well as the concerns of people in the community.

CRS is able to address the perception of discrimination that can be as disruptive to community stability as actual discrimination. CRS does not have law enforcement authority, nor does it investigate or prosecute cases. As an impartial agency, CRS does not look to assign blame or fault to any individual or group. In contrast, CRS enables communities to develop and implement their own solutions to reducing tensions as a neutral conciliator. Furthermore, as alternatives to coercion or litigation, CRS facilitates the development of viable and voluntary solutions for resolution of community tension.

The CRS budget consists of operating expenses which include, but are not limited to, payroll for its 64 permanent positions; travel expenses to enable CRS' conciliation professionals to respond in person to requests for assistance from state and local units of government, private and public organizations, and community groups; and funding for normal operations (e.g. information technology, communications, equipment, supplies, etc). The FY 2014 funding level of \$12,464,000 is required for CRS to support the Department in fulfilling its new obligations related to the passage of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act. This funding also includes requirements for current services which are necessary to successfully carry out other conflict resolution and violence prevention activities.

No programs within CRS have been subject to the Program Assessment Review.

Performance Challenges

With the passage of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (P.L. 111-84, 2009) ("Hate Crimes Protection Act"), CRS has dramatically expanded its jurisdiction. CRS has been transformed from an agency focused on addressing and preventing conflict and violence related to discrimination on the basis of race, color, and national origin to an agency that is responsible for helping communities prevent and respond to violent hate crimes committed on the basis of actual or perceived gender, gender identity, sexual orientation, religion, and disability in addition to race, color, and national origin.

As the only federal agency exclusively dedicated to assisting state and local units of government, private and public organizations, community groups, and even other federal agencies with preventing and resolving racial and ethnic tension, conflict, and civil disorder, CRS is uniquely qualified to fulfill this broader legislative mandate. To help communities prevent and respond to violent hate crimes, CRS may facilitate educational meetings and dialogues or conduct other services in response to conflicts or incidents that, left unaddressed, may escalate into violent hate crimes. CRS is an expert at bringing law enforcement officials, advocacy groups, and individual community members to the table in a way that creates lasting racial stability and harmony and enables those communities to address future conflicts without outside assistance. Nevertheless, as Congress explained in the Hate Crimes legislation, CRS will need the additional resources requested in FY 2014 to cover these new jurisdictional areas and fulfill this broader mandate.

CRS continues to assess its daily operations based on Departmental needs, technological developments, national security, and budgetary constraints. All of these internal factors pose challenges that affect the success of CRS' external conciliation and mediation services.

1. Internal Challenges

CRS continues to face internal challenges, as it must monitor the country for jurisdictional conflicts and attempt to respond to each case with limited resources. In FY 2011, CRS alerted nearly 896 community incidents and conflicts arising from issues of race, color, or national origin and from communities seeking to prevent and more effectively respond to violent hate crimes on the basis of actual or perceived race, color, national origin, gender, gender identity, sexual orientation, religion, or disability. The number of alerts, reflecting a request for services or an incident that appears to be jurisdictional that has come to the attention of CRS staff, has steadily increased since 2009, when just under 800 alerts were reported. Despite this increase in demand, CRS has not been able to increase its staff. CRS currently operates with a field staff of 32 Mediators and Conciliators (10 Regional Directors and 22 Conciliation Specialists) to address conflicts throughout the United States and six territories. Regional conciliators attempt to assess every jurisdictional case which has come to their attention, but temporal, budgetary, and geographical limitations affect deployment decisions. CRS will continue to focus its internal efforts on building new staff capacities through succession planning, mentoring, and sustained, high-quality training. This includes a focus on improving mediation and management skills for new hires. With nearly forty percent of the Agency retirement eligible, filling higher grade positions formerly held by senior staff with lower grade or mid-level positions will inherently present a learning curve. High quality standards for leadership, in-service training, mediation certification, standardized measurable work plans, and improved tracking systems on service delivery and case reporting will remain crucial aspects CRS' strategy to address internal and external challenges. CRS is continually identifying new ways to increase savings across the agency through policies that encourage less and more concentrated travel and that increase awareness about energy and paper use by encouraging the use of double-sided printing and reducing electricity use in all of its offices.

2. External Challenges

Notwithstanding CRS' daily operational challenges, CRS will continue to respond to issues that garner national attention, such as increased reports of community tension associated with disputes between Tribal Nations and state and local officials involving allegations of discrimination on the basis of race and national origin, community tension and allegations of racial profiling associated with issues at the intersection of race, national origin, and immigration controversies, and racial and community tensions that stem from demographic shifts and new migration. As debates about national and local immigration policy reform escalate, experience suggests that we will see an increase in discrimination on the basis of race, color, or national origin against immigrants or people who are perceived to be immigrants. In addition, CRS will continue to respond to racial tensions involving ethnic communities who have alleged or experienced discriminatory treatment following September 11, 2001, particularly Arab American and Muslim individuals, as well as Sikhs and others who are perceived to be Muslim. CRS has seen a dramatic increase in concern in these communities following the very contentious debate around the building of mosques and Islamic cultural centers. CRS' technical assistance, including educational videos and training programs, and the facilitation of dialogues between Arabs, Muslims, and Sikhs, law enforcement officials, and other interested parties are just some of the ways that the Agency can help to promote tolerance, respect, and peaceful interaction between members of various communities.

CRS will continue to help resolve race-related community conflicts in areas such as housing, education, and the administration of justice. Police-community relations surrounding excessive use of force, and the possibility of racial violence resulting from these incidents, particularly in minority communities, consumes more than half of CRS' work. Additionally, CRS continues to address school conflicts based on race, color, and national origin. CRS is increasingly called upon to address racial harassment and violence in elementary and secondary schools, and on college and university campuses. CRS has responded to school brawls, riots, and racial gang violence, working to restore stability in schools through various conflict resolution initiatives. The Agency is prepared, as well, to respond to hate-related incidents involving desecration of houses of worship where there is a connection between the desecration and perceived discrimination on the basis of race, color, or national origin or where the community perceives the act as a violent hate crime or an act that, if left unaddressed, could lead to a violent hate crime.

With the passage of the Hate Crimes Prevention Act, CRS has an explicit mandate to prevent and respond to violent hate crimes committed on the basis of the actual or perceived race, color, religion, national origin, gender, gender identity, sexual orientation, or disability of any person. This expansion - adding five additional protected categories that may trigger CRS jurisdiction - has significantly increased the demand for CRS services. In order to help communities prevent violent hate crimes, CRS may facilitate educational meetings and dialogues or conduct other services in response to conflicts or incidents that, left unaddressed, may escalate to violent hate crimes.

CRS is also receiving a significant increase in requests for services to address tension associated with the intersection of immigration issues with perceptions of discrimination on the basis of race, color, and national origin. CRS has worked with state and local law enforcement officials, federal law enforcement officials, state and local government leaders, as well as local and national organizations to address tension associated with allegations of racial profiling and racial discrimination associated with these issues and has deployed inter-regional teams to provide on-site conciliation services at marches and protests with tens of thousands participants. These tensions are likely to increase in the coming years.

CRS must constantly reintroduce its services to community and local government leaders due to election turnover, term-limited positions, and a statutory mandate that prevents the Agency from publicizing much of its work. Furthermore, many of the people and communities CRS can serve pursuant to the Hate Crimes Prevention Act are not familiar with CRS services because they did not fall under CRS jurisdiction before passage of the Act in 2009. For example, communities who may be targeted for violent hate crimes on the basis of gender, gender identity, sexual orientation, religion, or disability may not have worked with CRS in the past when its jurisdiction was focused on addressing racial tension. Evolving community "flash points" increase the need to be knowledgeable and aware of the host of vulnerabilities that communities face. Despite these challenges, obstacles to entry and the fluctuating nature of jurisdictional conflicts do not deter CRS from offering its services to communities in need. Through skillful conciliation and mediation, CRS' services can limit disruptions to community peace and stability. For any jurisdictional conflict, CRS stands ready to offer its conflict resolution services to communities across the United States.

The 2011 FBI Hate Crime Statistics Report, the most recent hate crimes statistics available from the FBI, reflects the increase in demand for services that CRS is seeing in communities across the country. According to the FBI's Report, there was an increase in reported hate crimes against Latinos, the Gay, Lesbian, Bisexual and Transgender communities, and Muslims.

II. Summary of Program Changes

Item Name	Description			Page
		Pos.	FTE	Dollars (\$000)
Hate Crime Prevention and Response	These enhancements will maximize CRS' crisis response across the entire United States and enable it to fulfill its historical mandate pursuant to Title X of the Civil Rights Act of 1964 as well as its new mandate pursuant to the Shepard and Byrd, Jr. Hate Crimes Prevention Act.	8	4	\$547
				14

III. Appropriations Language and Analysis of Appropriations Language

Appropriations Language

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, [\$5,587,091] \$12,464,000: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Analysis of Appropriations Language

There are no substantive changes proposed.

VI. Program Activity Justification

A. Community Relations Service

Conflict Resolution & Violence Prevention Activities	Perm. Pos.	FTE	Amount
2012 Enacted	56	45	\$11,456
2013 Continuing Resolution with 0.612% Increase	56	44	\$11,526
Base and Technical Adjustments	0	0	\$391
2014 Current Services	56	44	\$11,917
2014 Program Increases	8	4	\$547
2014 Request	64	48	\$12,464
Total Change 2012-2014	8	4	\$547

Conflict Resolution & Violence Prevention Activities - Information Technology Breakout	Perm. Pos.	FTE	Amount
2012 Enacted	1	1	\$810
2013 Continuing Resolution with 0.612% Increase	0	0	\$810
Base and Technical Adjustments	0	0	\$0
2014 Current Services	1	1	\$810
2014 Request	1	1	\$810
Total Change 2012-2014	0	0	\$0

1. Program Description

CRS' programs contribute to the **DOJ's Strategic Goal #2 -Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law**. Within these goals, CRS Specially addresses Strategic Objectives 2.2 Prevent and intervene in crimes against populations, uphold the rights of, and improve services to American's crime victims and Strategic Objective 2.5 Promote and protect Americans' civil rights. While working in support of Strategic Goal #2, CRS' work also supports **DOJ's Strategic Goal #3 Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal, and International Levels**. CRS supports Objective 3.1, Promote and strengthen relationships and strategies for the administration of justice with state, local, tribal, and international law enforcement.

CRS has implemented several strategies, which are intended to effectively address the issues of discriminatory practices based on race, color, or national origin, which impair the rights of people, and work with communities to help prevent and respond to violent hate crimes on the basis of actual or perceived gender, gender identity, sexual orientation, religion, or disability. CRS conducts training with federal, state, and local law enforcement and community members to address concerns regarding racial profiling and to improve law enforcement officials' interactions with community members. Examples of various CRS strategies and programs are:

- **Law Enforcement Mediation Skills (LEMS) Program** is a two day (16 hour) program designed to equip the attending officers with basic knowledge of mediation and conflict resolution skills as they apply directly to law enforcement. The program focuses on the officer's need to respond to any given conflict or dispute efficiently and effectively. Traditional

methods of policing in response to disturbance calls have resulted in callbacks to the same disturbance. The CRS LEMS program offers a mediation and conflict resolution approach that hopefully leads to fewer callbacks, and more lasting solutions based on the disputants' involvement in resolving their own issues. The process involves empowering law enforcement officials to resolve disputes through the use of conflict resolution, rather than arrest. It also instills skills and knowledge with citizens to resolve disputes without the necessity of a police presence. The course focuses on police-community relations in minority communities.

- **Anti-Racial Profiling Program** is a program that reviews the history and concept of profiling by police in addressing criminal activity. The program focuses on the complexities of using race as a factor in police investigations. Through a series of videotape and role playing exercises, law enforcement and community members view the effects of racial profiling on communities, as well as ways to defuse racial profiling allegations whenever they arise.
- **Arab-Muslim, Sikh (AMS) Cultural Awareness Program** is a program that utilizes community-based, volunteer trainers capable of delivering law enforcement training to heighten awareness, increase knowledge and develop skills to effectively communicate with Arab, Muslim, and Sikh communities. The program educates law enforcement officials on different cultural practices in order to reduce the possibility of tensions developing due to misinformation or lack of understanding. Most trainers come from Arab, Muslim, and Sikh communities and work side-by-side with CRS staff, following a standardized and approved CRS curriculum.
- **Student Problem Identification and Resolution of Issues Together (SPIRIT)** is a two half-day interactive student based problem solving program that engages students in developing solutions to problems associated with allegations of discrimination, harassment, and hate activity in schools and creating the safest possible environment for learning. SPIRIT also engages school administrators, teachers, school resource officers, local officials, community leaders, and parents in the process of identifying and responding to these conflicts in schools.
- **City - Problem Identification and Resolution of Issues Together (City-SPIRIT) Program** is a two-day problem solving and resolution program that brings together representatives from local government agencies, community, faith-based organizations, law enforcement, and businesses to develop collaborative approaches for reducing racial conflicts and addressing the factors that contribute to the conflicts. The parties may also develop approaches for preventing and responding to violent hate crimes on the basis of actual or perceived race, color, national origin, gender, gender identity, sexual orientation, religion, and disability. This program helps communities establish a lasting capacity to prevent and respond to conflicts.
- **Self-Marshalling Assistance and Training** is provided by CRS at the request of local law enforcement, city officials, and demonstration organizers to assist with planning and managing safe marches and demonstrations. CRS facilitates meetings between all parties involved, and serves as a neutral entity to help ensure that information is shared appropriately so marches and demonstrations are as safe as possible.

CRS introduced and updated several management systems to more effectively address racial tension and violence in major cities. CRS intensified its emphasis on staff development and training of staff on the fundamental skills of conflict resolution. CRS holds staff training sessions to enhance and refresh contemporary conflict resolution strategies and mediation skills. CRS instituted an internal skills certification process for fundamental tools that are used in conflict resolution cases. The Agency continues to strengthen its emphasis on local capacity building by having conciliators focus on the implementation of collaborative partnerships and other mechanisms for strategically empowering and sustaining peaceful communities.

The services of CRS are tracked by a case management database system. Quality assurance is measured by a weekly headquarters review of every new case in the CRS system. Headquarters then provides operational feedback to all 10 Regional Directors on a weekly basis, and holds managers accountable for ensuring strict compliance with CRS' jurisdictional mandate. Regions are directed to hold bi-monthly staff meetings to review casework feedback. Conciliators have made significant qualitative and technical progress on casework.

2. Performance and Resource Tables

PERFORMANCE AND RESOURCES TABLE										
Decision Unit: Conflict Resolution and Violence Reduction - Strategic Goal 2: Objective 2.2, Objective 2.5										
Strategic Goal 3: Objective 3.1										
RESOURCES	Target		Actual	Projected		Changes		Requested (Total)		
	FY 2012		FY 2012	FY 2013 CR		Current Services Adjustments and FY 2014 Program Changes		FY 2014 Request		
	FTE	\$000	FTE	FTE	\$000	FTE	\$000	FTE	\$000	
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)	56	\$11,456	45	\$11,032	44	\$11,526	4	\$938	48	\$12,464
TYPE/ STRATEGIC OBJECTIVE	FY 2012		FY 2012	FY 2013 CR		Current Services Adjustments and FY 2014 Program Changes		FY 2014 Request		
Program Activity	FTE	\$000	FTE	FTE	\$000	FTE	\$000	FTE	\$000	
Performance Measure: Output	56	\$11,456	45	\$11,032	44	\$11,526	4	\$938	48	\$12,464
Cases where CRS assistance will help resolve community racial violence and conflict and/or respond to a violent hate crime committed on the basis of gender, gender identity, sexual orientation, religion, disability, race, color, or national origin.	56	659	56	659	Discontinued	Discontinued	Discontinued	Discontinued	Discontinued	Discontinued
Performance Measure: Efficiency	56	116	56	116	Discontinued	Discontinued	Discontinued	Discontinued	Discontinued	Discontinued
Cases where CRS will prevent potential community conflict and/or respond to a violent hate crime committed on the basis of race, color, national origin, gender, gender identity, sexual orientation, religion, disability.	56	116	56	116	Discontinued	Discontinued	Discontinued	Discontinued	Discontinued	Discontinued
Performance Measure: Outcome	56	823	56	823	Discontinued	Discontinued	Discontinued	Discontinued	Discontinued	Discontinued
Communities with improved capacity to resolve conflicts and prevent and respond to violent hate crimes committed on the basis of race, color, national origin, gender, gender identity, sexual orientation, religion, disability.	56	823	56	823	Discontinued	Discontinued	Discontinued	Discontinued	Discontinued	Discontinued

Data Definition, Validation, Verification, and Limitations: Use this section to discuss data terms, data sources, how the information is collected, how the information is verified, and data limitations to include how well the indicator measures performance in this area.

PERFORMANCE MEASURE TABLE											
Decision Unit: Conflict Resolution and Violence Reduction											
Performance Report and Performance Plan Targets											
Performance Measure		FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012		FY 2013		FY 2014
		Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target	Target
Performance Measure	Cases where CRS assistance will help resolve community racial violence and conflict and/or respond to a violent hate crime committed on the basis of gender, gender identity, sexual orientation, religion, disability, race, color, or national origin.	584	850	593	597	655	791	485	Discontinued	Discontinued	Discontinued
Efficiency Measure	Cases where CRS will prevent potential community conflict and/or respond to a violent hate crime committed on the basis of race, color, national origin, gender, gender identity, sexual orientation, religion, disability.	224	255	138	167	142	139	98	Discontinued	Discontinued	Discontinued
Outcome Measure	Communities with improved capacity to resolve conflicts and prevent and respond to violent hate crimes committed on the basis of race, color, national origin, gender, gender identity, sexual orientation, religion, disability.	984	1100	683	748	844	943	604	Discontinued	Discontinued	Discontinued
Performance Measure	Tension Level Ratio – Percent of services applied to high tension (level 4 or higher) cases	This measure was implemented in FY 2013									
Performance Measure	Services Accepted Ratio – Percent of CRS services accepted out of all services offered	This measure was implemented in FY 2013									
Performance Measure	Response Ratio – Increase percent of total events CRS responses to	This measure was implemented in FY 2013									
Performance Measure	Awareness Level – Decrease timeframe between event occurring and CRS being contacted	This measure was implemented in FY 2013.									

N/A = Data unavailable

* Denotes inclusion in the DOJ Annual Performance Plan

3. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes

The Conflict Resolution and Violence Prevention Activities program contributes to the Department's Strategic Goal #2, Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law.

Within these goals, CRS Specially addresses Strategic Objectives 2.2: Prevent and intervene in crimes against populations, uphold the rights of, and improve services to American's crime victims and Strategic Objective 2.5: Promote and protect Americans' civil rights.

Each region, composed of 2-4 Conciliators and one Regional Director, conducts appraisals of racial tension, in collaboration with community, state and local officials, to determine projects that require immediate attention and demonstrate the greatest need for inclusion in a work plan for resolving racial conflict or violence. Annually, the work plan addresses those communities within each region that require conflict resolution services on an annual basis. Approximately 75% of the region's workload is direct crisis response services, 5% administrative, and 20% comprehensive projects that address the Annual Appraisal of Regional Tension (AART). Most CRS Conciliators have a common set of programmatic tools, such as mediation, conflict resolution, technical assistance, and specific conflict-related training programs that respond to racial tension and violence.

b. Strategies to Accomplish Outcomes

CRS strategies include the Law Enforcement Mediation Skills (LEMS) and Anti-Racial Profiling Programs; Arab, Muslim, and Sikh (AMS) Cultural Awareness Program; the Self-Marshalling Assistance and Training Program, and the City Problem Identification and Resolution of Issues Together (City SPIRIT) program. [See Section IV for detailed descriptions of CRS strategy programs.] These strategies are specifically designed to assist states, local communities, and tribal governments in resolving violence and conflict. CRS has been working collaboratively with four major customer groups: (1) investigative and law enforcement agencies; (2) courts, state, local and tribal governments, and federal agencies, including U.S. Attorneys, FBI, various components of the Department of Justice, Department of Housing and Urban Development, Department of the Interior, Department of Transportation/Transportation Security Administration, Department of Education, and domestic immigration officials; (3) schools, colleges, and universities; and (4) community groups and other organizations to assist and resolve racial conflict and to help communities develop the ability to more effectively prevent and respond to alleged violent hate crimes on the basis of actual or perceived race, color, national origin, gender, gender identity, sexual orientation, religion, or disability. CRS develops strategies that focus on bringing together the energy of community leaders, organizations, and citizens to work towards crime-prevention and providing safe neighborhoods and communities for all Americans through cooperation and coordination with other Department of Justice components. CRS provides comprehensive services that empower communities to help themselves and maximize the federal investment at the local level through capacity building.

In order to fulfill the strategic goals of the Agency, the CRS management team will continue to stress contemporary mediation skills development, accountability, adherence to performance

work plans, and affirmation of a merit award system for outstanding work. CRS' success can be evaluated on how well its services assist communities in need, contributing to the Department's Conflict Resolution and Violence Prevention Activities. In addition, CRS is gauged on its success in keeping the peace in cities throughout the country when events occur that have the potential to escalate into major riots or violence. CRS continues to evaluate new methods for measuring the Agency's success, always aiming to improve upon its service delivery to American communities.

c. **Results of Program Assessment Reviews**

No programs in the CRS budget account have been subject to an independent Program Assessment Review. CRS has consistently maintained a green status for all five performance measureable areas.

V. Program Increases by Item

Item Name: **Hate Crime Prevention and Response**

Budget Decision Unit(s): Conflict Resolution & Violence Prevention Activities

Strategic Goal(s) & Objective(s): **Strategic Goal 2:** Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law.
Strategic Objective 2.2: Prevent and intervene in crimes against populations, uphold the rights of, and improve services to American's crime victims.
Strategic Objective 2.5: Promote and protect Americans' civil rights.

Organizational Program: Community Relations Service

Component Ranking of Item: 1 of 1

Program Increase: Positions 8 Atty 0 FTE 4 Dollars \$547,000

Description of Item

CRS is requesting an enhancement of 8 positions, 4 FTE, and \$547,000, in order to successfully fulfill its expanded mandate under the Hate Crimes Prevention Act (HCPA). The additional resources include personnel and non-personnel support, including training, travel, and publications, which will increase regional staff by 6 conciliators in the field and 2 staff member, and allow CRS to successfully carry out its mission.

Justification

The addition of 6 conciliators to the region and 2 staff members will maximize crisis response and maximize conflict resolution and violence reduction throughout the United States. This enhancement will allow CRS to fulfill its statutory mandate pursuant to Title X of the Civil Rights Act of 1964 as well as its mandate pursuant to the Shepard and Byrd, Jr. Hate Crimes Prevention Act.

The HCPA has dramatically increased CRS' workload as well as training and travel expenses. Congress anticipated the increase in demand for CRS services in the text of the statute: "There are authorized to be appropriated to the Department of Justice, including the Community Relations Service, for fiscal years 2010, 2011, and 2012 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by section 4707 of this division." (P.L. 111-84, §4706).

As detailed above, the HCPA has transformed CRS from a component focused on working with communities to prevent and respond to community tension related to alleged discrimination on the basis of race, color, and national origin to a component that is responsible for helping communities address and prevent conflict on the basis of gender, gender identity, sexual orientation, religion, and disability in addition to race, color, and national origin. The passage of

the HCPA will also likely mean an increase in CRS caseload associated with responding to alleged hate crimes on the basis of race, color, or national origin, as the statute removes the former prerequisite showing that the victim was participating in a federally protected act. This, combined with an increase in reports of alleged hate related activity on the basis of race, color, or national origin associated with immigration issues, means a significant increase in demand for CRS in our historical areas of jurisdiction as well.

Responding to this increase in community need and demand is no small task, as CRS is the only federal agency exclusively dedicated to assisting state and local units of government, private and public organizations, community groups, and other federal agencies with preventing and resolving racial and ethnic tensions, conflicts, and civil disorders. CRS is uniquely qualified to fulfill its new mandate, as CRS is an expert at bringing law enforcement officials, advocacy groups, and individual community members to the table in a way that creates lasting racial stability and harmony and enables those communities to address future conflicts without outside assistance. Nevertheless, as the HCPA noted, CRS will need significant resources to build the staff and expertise necessary to cover these new jurisdictional areas and to fulfill this broader mandate. The agency will require increased travel funds to continue to effectively help communities prevent and respond to violent hate crimes committed on the basis of gender, gender identity, sexual orientation, religion, disability, race, color, and national origin

Impact on Performance (Relationship of Increase to Strategic Goals)

A staff of 64 personnel (48 FTE) and training, travel, and publication support will maximize CRS' crisis response across the entire United States and enable it to fulfill its historical mandate pursuant to Title X of the Civil Rights Act of 1964 as well as its mandate pursuant to the Shepard and Byrd, Jr. Hate Crimes Prevention Act.

The increase will also have a significant and positive impact on other components. By virtue of its mission and role, CRS is likely to be the first DOJ component that is in a community during a public controversy that may include issues involving other federal components and agencies and state and local governments and agencies. It will also be likely to be the one component with significant community contact. As a result, CRS may be able to help define the public perception of the Department's overall responsiveness and assist other components in gaining successful entry into the community in the context of elevated levels of controversy regarding policy changes. This entry may be facilitated through CRS dialogues or community forums where agencies and components can introduce themselves and explain their services in a manner that allows the public to understand why investigations or other processes may take longer than they would prefer.

FundingBase Funding

FY 2012 Enacted				FY 2013 CR				FY 2014 Current Services			
Pos	Agt/Atty	FTE	\$(000)	Pos	Agt/Atty	FTE	\$(000)	Pos	Agt/Atty	FTE	\$(000)
8	0	8	\$1,718	9	0	9	\$1,838	9	0	9	\$1,897

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2014 Request (\$000)	FY 2015 Net Annualization (change from 2014) (\$000)
Conciliator (GS-11)	\$67	6	\$399	\$360
Admin Support (GS-12)	\$88	1	\$88	\$84
Admin Support (GS-9)	\$60	1	\$60	\$53
Total Personnel		8	\$547	\$497

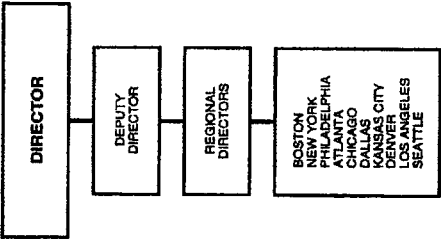
Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2014 Request (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)
Travel	N/A	N/A	N/A	N/A
Total Non-Personnel	N/A	N/A	N/A	N/A

Total Request for this Item

	Pos	Agt/Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)
Current Services	9	0	4	\$1,043	\$854	\$1,897	N/A
Increases	8	0	4	\$547	\$0	\$547	\$497
Grand Total	17	0	8	\$1,590	\$854	\$2,444	\$497

COMMUNITY RELATIONS SERVICE



Approved by *[Signature]* Date 4/29/05
ALBERTO C. SANCHEZ
Acting Director

B. Summary of Requirements

Summary of Requirements
Community Relations Service
Salaries and Expenses
(Dollars in Thousands)

	FY 2014 Request	
	Direct Pos.	Estimate FTE Amount
2012 Enacted	55	11,456
2013 Continuing Resolution		
2013 CR 0.012% Increase		70
Total 2013 Continuing Resolution		70
Technical Adjustments	36	11,526
Adjustment- 2013 CR 0.012%	0	0
Total Technical Adjustments	0	0
Base Adjustments	0	-70
Transfers		
JCON and JCON S/TS	0	0
Pay & Benefits	0	24
Domestic Rent & Facilities	0	129
Total Base Adjustments	0	312
Total Technical and Base Adjustments	0	461
2014 Current Services	0	391
Program Changes		
Hate Crime Prevention and Response	50	11,971
Subtotal Increases	8	4
Total Program Changes	8	4
2014 Current Services	8	547
2012-2014 Total Change	64	12,884
2012-2014 Total Change	0	1,526

Note: The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

B. Summary of Requirements

Summary of Requirements
Community Relations Service
Salaries and Expenses
(Dollars in Thousands)

Program Activity	2012 Appropriation Enacted			2013 Continuing Resolution*			2014 Technical and Base Adjustments			2014 Current Services		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Conflict Resolution and Violence Reduction	56	45	11,458	56	44	11,526	56	44	11,917	56	44	11,917
Balance Rescission	56	45	11,458	56	44	11,526	56	44	11,917	56	44	11,917
Total Direct	56	45	11,458	56	44	11,526	56	44	11,917	56	44	11,917
Balance Rescission			0			0			0			0
Total Direct with Rescission			11,458			11,526			391			11,917
Reimbursable FTE		0	11,458		0	11,526		0	391		0	11,917
Total Direct and Reimb. FTE		45			44						44	
Other FTE:												
LEAP		0			0			0			0	
Overtime		0			0			0			0	
Grand Total, FTE		45			44			0			44	

Program Activity	2014 Increases			2014 Offsets			2014 Request		
	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Conflict Resolution and Violence Reduction	0	0	0	0	0	0	56	44	11,917
Hate Crime Prevention and Response	8	4	547	0	0	0	8	4	547
Total Direct	8	4	547	0	0	0	64	48	12,464
Balance Rescission			0			0			0
Total Direct with Rescission			547			0			12,464
Reimbursable FTE		0			0	0		48	0
Total Direct and Reimb. FTE		4			0	0		0	0
Other FTE:									
LEAP		0			0	0		0	0
Overtime		0			0	0		0	0
Grand Total, FTE		4			0	0		48	

*The 2013 Availability includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c))

C. Program Changes by Decision Unit

FY 2014 Program Increases/Offsets by Decision Unit
Community Relations Service
Salaries and Expenses
(Dollars in Thousands)

Program Increases	Location of Description by Program Activity	Conflict Resolution and Violence Reduction				Total Increases			
		Direct Pos.	Ag./ Atty.	Est. FTE	Amount	Direct Pos.	Ag./ Atty.	Est. FTE	Amount
Hate Crime Prevention and Response	CRS	8	0	4	547	8	0	4	547
Total Program Increases		8	0	4	547	8	0	4	547

Resources by Department of Justice Strategic Goal/Objective

Community Relations Service
 Solicitor General's Office
 State Department
 (Dollars in Thousands)

Strategic Goal and Strategic Objective	2012 Appropriation Enacted			2013 Continuing Resolution			2014 Current Services			2014 Increases			2014 Offsets			2014 Total Request		
	Direct/ Reimb FTE	Direct Amount	Reimb Amount	Direct/ Reimb FTE	Direct Amount	Reimb Amount	Direct/ Reimb FTE	Direct Amount	Reimb Amount	Direct/ Reimb FTE	Direct Amount	Reimb Amount	Direct/ Reimb FTE	Direct Amount	Reimb Amount	Direct/ Reimb FTE	Direct Amount	Reimb Amount
Goal 2 Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law																		
2.2 Prevent and respond in crimes against vulnerable of violent crime	0	4,812	0	0	4,841	0	0	5,006	4	547	0	0	0	0	0	4	5,553	0
2.4 Promote and protect Americans' civil rights	45	11,456	44	44	11,528	44	44	6,911	0	0	0	0	0	0	0	44	6,911	0
Subtotal, Goal 2	45	11,456	44	44	11,528	44	44	11,917	4	547	0	0	0	0	0	48	12,464	0
Goal 3 Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal and International Levels.																		
3.1 Promote and Strengthen relationship and strategies for the administration of justice with state, local, tribal and international law enforcement.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal, Goal 3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	45	11,456	44	44	11,528	44	44	11,917	4	547	0	0	0	0	0	48	12,464	0

*The 2013 Availability includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

Note: Excludes Balance Rescission and/or Supplemental Appropriations

Justifications for Technical and Base Adjustments
Community Relations Service
Salaries and Expenses
(Dollars in Thousands)

Technical Adjustments	Direct Pos.	Estimate FTE	Amount
1 Adjustment - 2013 CR 0.612% PL 112-175 section 101 (c) provided 0.612% across the board increase above the current rate for the 2013 CR funding level. This adjustment reverses this increase.	56	44	-70
	0	0	0
Subtotal, Technical Adjustments	56	44	-70
2 Transfers			
1 JCON and JCON SPTS This transfer of \$575,000 is included in support of the Department's Justice Consolidated Office Network (JCON) and JCON SPTS programs which will be moved to the Working Capital Fund and provided as a billable service in FY 2014.	0	0	0
	0	0	0
Subtotal, Transfers	0	0	0
3 Pay and Benefits			
1 2015 PAY SCALE This request provides for a proposed 1 percent pay raise to be effective in January of 2014. The increase only includes the general pay raise and does not include the cost of living adjustment. The amount requested represents the pay amounts for 34 of the fiscal year plus appropriate benefits (\$35,280 for pay and \$13,720 for benefits.)			49
2 Annualization of the 2013 Pay Raise This request provides for annualization of the 0.6 percent pay raise effective April 17, 2013. The amount requested, \$194,000, is for salary plus appropriate benefits (\$149,000 for pay and \$45,000 for benefits.)			44
3 Employee Compensation Fund The \$10,000 request reflects anticipated changes in payments to the Department of Labor for injury benefits under the Federal Employee Compensation Act.			10
4 Health Insurance Effective January 2014, the component's contribution to Federal employees' health insurance increases by 5.7 percent. Applied against the 2013 estimate of \$389,000, the additional amount required is \$16,000.			16
5 Retirement Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 1.3 percent per year. The requested increase of \$6,000 is necessary to meet our increased retirement obligations as a result of this conversion.			6
Subtotal, Pay and Benefits	0	0	125
Domestic Rent and Facilities			
1 General Services Administration (GSA) Rent GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$89,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of an automated system, which uses the latest inventory data, including rate increases to be effective FY 2014 for each building and space occupied by Department of Justice component, as well as the costs of new space to be occupied. GSA provides data on the rate increases.			98
2 Guard Services This includes Department of Homeland Security (DHS) Federal Protective Service charges, Justice Protective Service charges and other security services across the country. The requested increase of \$14,000 is required to meet these commitments.			14
3 Movers (Lease Encumbrances) GSA requires all agencies to pay relocation costs associated with lease separations. This request provides for the costs associated with new office relocations caused by the expiration of leases in FY 2014.			200
Subtotal, Domestic Rent and Facilities	0	0	312
TOTAL DIRECT TECHNICAL AND BASE ADJUSTMENTS	56	44	391

Crosswalk of 2012 Availability
Community Relations Service
Salaries and Expenses
(Columns in Thousands)

Program Activity	2012 Appropriation Enacted w/o Balance Rescission			Balance Rescission			Reprogramming/Transfers			Carryover		Recoveries/ Refunds		2012 Actual	
	Direct Pos	Actual FTE	Amount	Direct Pos	Actual FTE	Amount	Direct Pos	Actual FTE	Amount	Amount	FTE	Amount	Pos	Actual FTE	Amount
Conflict Resolution and Violence Reduction	56	45	11,456												
	56	45	11,456												
Reimbursable FTE			0			0			0	0		0		56	11,456
Total Direct and Reimb. FTE		45			0			0		0		0		56	11,456
Other FTE:															
LEAP		0			0									0	
Overtime															
Grand Total FTE		45			0			0		0				45	

Reprogramming/Transfers

Carryover:

Recoveries/Refunds:

Crosswalk of 2013 Availability
Community Relations Service
Salaries and Expenses
(Dollars in Thousands)

Program Activity	FY 2013 Continuing Resolution			Supplemental Appropriation		Reprogramming/Transfers			Carryover		Recoveries/Refunds		2013 Availability	
	Direct Pos.	Estim. FTE	Amount	Amount		Direct Pos.	Estim. FTE	Amount	Amount		Amount		Direct Pos.	Estim. FTE
Conflict Resolution and Violence Reduction	56	44	11,526	0	0	0	0	0	0	0	0	0	56	44
	56	44	11,526			0	0	0	0	0	0	0	56	44
Total Direct														
Balance Rescission			0											
Total Direct with Rescission			0											
Reimbursable FTE			0											
Total Direct and Reimb. FTE		44	11,526				0		0					44
Other FTE:														
LEAP		0					0		0					0
Overtime		0					0		0					0
Grand Total, FTE		44					0		0					44

*The 2013 Continuing Resolution includes the 0.812% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (6)).

I. Detail of Permanent Positions by Category

Detail of Permanent Positions by Category
Community Relations Service
Salaries and Expenses
(Dollars in Thousands)

Category	2012 Appropriation Enacted		2013 Continuing Resolution		ATBs	2014 Request		Total Reimb.	
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.		Program Increases	Program Offsets	Total Direct Pos.	Total Reimb. Pos.
Clerical and Office Services (300-399)	51	0	49	0	0	8	0	57	0
Accounting and Budget (500-599)	2	0	2	0	0	0	0	2	0
Attorneys (905)	2	0	2	0	0	0	0	2	0
Information Technology Mgmt. (2210)	1	0	2	0	0	0	0	3	0
Total	56	0	56	0	0	8	0	64	0
Headquarters (Washington, D.C.)	12	0	15	0	0	2	0	17	0
U.S. Field	44	0	41	0	0	6	0	47	0
Foreign Field	0	0	0	0	0	0	0	0	0
Total	56	0	56	0	0	8	0	64	0

Financial Analysis of Program Changes
Community Relations Service
Salaries and Expenses
(Dollars in Thousands)

Grades	Conflict Resolution and Violence Reduction					
	Hate Crime Prevention and Violence Reduction			Program Offsets		
	Direct Pos.	Amount	Pos.	Direct Pos.	Amount	Total Amount
SES	0	0	0	0	0	0
GS-15	0	0	0	0	0	0
GS-14	0	0	0	0	0	0
GS-13	0	0	0	0	0	0
GS-12	1	0	0	0	0	0
GS-11	6	75	0	0	0	75
GS-10	0	372	0	0	0	372
GS-9	1	0	0	0	0	0
GS-8	0	52	0	0	0	52
GS-7	0	0	0	0	0	0
GS-6	0	0	0	0	0	0
GS-5	0	0	0	0	0	0
Total Positions and Annual Amount	8	498	0	0	0	498
Lapse (-)	-4	-250	0	0	0	-250
11 5 Other Personnel Compensation						
Total FTEs and Personnel Compensation	4	250	0	0	0	250
12 0 Personnel Benefits		88				88
21 0 Travel and Transportation of Persons		48				48
22 0 Transportation of Things		0				0
23 1 Rental Payments to GSA		0				0
23 3 Communications, Utilities, and Miscellaneous Charges		24				24
24 0 Printing and Reproduction		0				0
25 1 Advisory and Assistance Services		0				0
25 2 Other Services from Non-Federal Sources		0				0
25 3 Other Goods and Services from Federal Sources		0				0
25 5 Research and Development Contracts		57				57
25 7 Operation and Maintenance of Equipment		0				0
26 0 Supplies and Materials		8				8
31 0 Equipment		73				73
Total Program Change Requests	4	547	0	0	0	547

Summary of Requirements by Grade
Community Relations Service
Salaries and Expenses
(Dollars in Thousands)

Grades and Salary Ranges	2012 Enacted		2013 Continuing Resolution		2014 Request		Increase/Decrease	
	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount
EX \$ 145,700 - 199,700	1	0	1	0	1	0	0	0
GS-15 \$ 123,758 - 155,500	14	0	14	0	14	0	0	0
GS-14 \$ 105,211 - 136,771	9	0	9	0	9	0	0	0
GS-13 \$ 89,033 - 115,742	8	0	8	0	8	0	0	0
GS-12 \$ 74,872 - 97,333	9	0	9	0	12	0	3	0
GS-11 \$ 62,467 - 81,204	14	0	14	0	20	0	6	0
GS-9 \$ 51,630 - 67,114	3	0	3	0	2	0	-1	0
Total, Appropriated Positions	56	0	56	0	64	0	8	0
Average EX Salary		155		155		155		
Average GS Salary		102		102		102		
Average GS Grade		13		13		13		

L. Summary of Requirements by Object Class

Summary of Requirements by Object Class
Community Relations Service
Salaries and Expenses
(Dollars in Thousands)

Object Class	2012 Actual		2013 Availability *		2014 Request		Increase/Decrease Direct FTE
	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	
11.1 Full-Time Permanent	44	4,754	43	4,927	47	5,394	4
11.3 Other than Full-Time Permanent	1	26	1	156	1	156	0
11.5 Other Personnel Compensation	0	55	0	0	0	0	0
Overtime	0	0	0	0	0	0	0
Other Compensation	0	0	0	0	0	0	0
11.8 Special Personal Services Payments	0	-11	0	0	0	0	0
Total	45	4,824	44	5,083	48	5,520	4
Other Object Classes							
12.0 Personnel Benefits		1,408		1,447		1,612	165
21.0 Travel and Transportation of Persons		590		600		600	0
22.0 Transportation of Things		291		110		110	0
23.1 Rental Payments to GSA		1,411		1,538		1,638	98
23.2 Rental Payments to Others		103		108		108	0
23.3 Communications, Utilities, and Miscellaneous Charges		332		342		559	214
24.0 Printing and Reproduction		2		2		2	0
25.1 Advisory and Assistance Services		0		0		0	0
25.2 Other Services from Non-Federal Sources		688		688		688	0
25.3 Other Goods and Services from Federal Sources		1,240		1,498		1,482	24
25.4 Operation and Maintenance of Facilities		1		1		1	0
25.5 Research and Development Contracts		0		0		0	0
25.6 Medical Care		0		0		0	0
25.7 Maintenance and Repair		40		41		41	0
25.8 Operation and Maintenance of Equipment		0		0		0	0
25.9 Substantive and Support of Persons		60		45		45	0
26.0 Supplies and Materials		82		53		53	0
31.0 Equipment		0		0		0	0
32.0 Land and Structures		0		0		0	0
Total Obligations		11,032		11,526		12,464	938
Unobligated End-of-Year, Expiring		424		0		0	0
Total Direct Requirements	45	11,456	44	11,526	48	12,464	4

*The 2013 Availability includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

