

**FY 2013  
Performance Budget  
Congressional Submission**



**NATIONAL SECURITY DIVISION**

**U.S. Department of Justice**

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## **I. Overview for the National Security Division**

### **A. Introduction**

For FY 2013, the National Security Division (NSD) requests a total of 359 positions (including 236 attorneys), 359 FTE, and \$90,039,000. This request includes a total program change of \$3,039,000, 0 positions, and 6 FTE. The NSD's total request for FY 2013 will sustain the Division's responsibility for Goal One of the Department of Justice's Strategic Plan: Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law.

The NSD is not requesting any enhancements for information technology (IT), although this request does include base resources of \$12,444,000, 9 positions, and 9 FTE to maintain existing IT activities. Also included is a decrease of \$192,000 due to the Department's initiative to create cost savings through increased component collaboration on IT contracting.

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**

The mission of the NSD of the Department of Justice (DOJ) is to carry out the Department's highest priority: to combat terrorism and other threats to national security. The NSD, which consolidates the Department's primary national security elements within a single Division, currently consists of the Office of Intelligence (OI); the Counterterrorism (CTS) and Counterespionage Sections (CES); the Law and Policy Office (L&P); and the Office of Justice for Victims of Overseas Terrorism (OVT). This organizational structure ensures greater coordination and unity of purpose between prosecutors and law enforcement agencies, as well as intelligence attorneys and the Intelligence Community (IC), thus strengthening the effectiveness of the Department's national security efforts.

The NSD is led by an Assistant Attorney General and supported by a Principal Deputy Assistant Attorney General and three Deputy Assistant Attorneys General. The NSD's major responsibilities include:

#### *Intelligence Operations and Litigation:*

- Provide legal representation and counsel to agencies within the Intelligence Community to ensure that they have the legal tools necessary to conduct intelligence operations;
- Represent the United States before the Foreign Intelligence Surveillance Court (FISC) to obtain authorization under the Foreign Intelligence Surveillance Act (FISA) for the United States government to conduct intelligence collection activities such as electronic surveillance and physical searches;

- Coordinate and supervise intelligence-related litigation matters, including evaluating and reviewing requests to use information collected under FISA in criminal and non-criminal proceedings and to disseminate FISA information; and
- Serve, through the Assistant Attorney General for National Security, as the Department's primary liaison to the Director of National Intelligence.

*Counterterrorism:*

- Promote and oversee a coordinated national counterterrorism enforcement program, through close collaboration with Department leadership, the National Security Branch of the Federal Bureau of Investigation (FBI), the Intelligence Community, and the 94 United States Attorneys' Offices;
- Oversee and support the Anti-Terrorism Advisory Council (ATAC) program by collaborating with prosecutors nationwide on terrorism matters, cases, and threat information; by maintaining an essential communication network between the Department and United States Attorneys' Offices for the rapid transmission of information on terrorism threats and investigative activity; and by managing and supporting ATAC activities and initiatives;
- Consult, advise, and collaborate 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);
- Share information with and provide advice to international prosecutors, agents, and investigating magistrates to assist in addressing international threat information and litigation initiatives; and
- Develop training curriculum for prosecutors and investigators on cutting-edge tactics, substantive law, and relevant policies and procedures.

*Counterespionage:*

- Supervise the investigation and prosecution of cases involving espionage and related statutes;
- Support and oversee the expansion of investigations and prosecutions into the unlawful export of military and strategic commodities and technology by assisting and providing guidance to United States Attorneys' Offices in the establishment of Export Control Proliferation Task Forces;
- Coordinate and provide advice in connection with cases involving the unauthorized disclosure of classified information and support resulting prosecutions by providing advice and assistance with the application of CIPA; and
- Enforce the Foreign Agents Registration Act of 1938 (FARA) and related disclosure statutes.

*Oversight and Reporting:*

- Oversee certain foreign intelligence, counterintelligence, and other national security activities of the United States Intelligence Community components to ensure compliance with the Constitution, statutes, and Executive Branch policies to protect individual privacy and civil liberties;
- Monitor 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
- Fulfill statutory and judicial reporting requirements related to intelligence, counterintelligence and other national security activities.

*Law and Policy:*

- Oversee the development, coordination, and implementation, in conjunction with other components of the Department as appropriate, of legislation and policies concerning intelligence, counterintelligence, counterterrorism, and other national security matters;
- Provide legal assistance and advice, in coordination with the Department's Office of Legal Counsel as appropriate, to the Division, other components of the Department, the Attorney General, the White House, and Government agencies on matters of national security law and policy;
- Perform prepublication classification review of materials proposed to be published by present and former Department employees;
- Produce guidance on the interpretation and application of new terrorism statutes, regulations, and policies; and
- Serve as the Department's representative on interagency boards, committees, and other groups dealing with issues related to national security.

*Foreign Investment:*

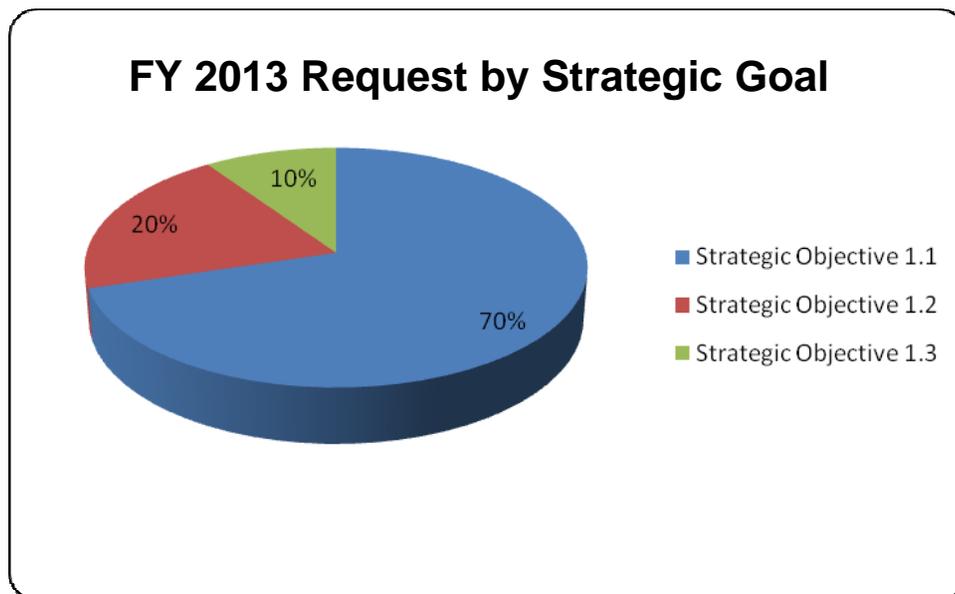
- Perform the Department's staff-level work on the Committee on Foreign Investment in the United States (CFIUS), which reviews foreign acquisitions of domestic entities that might affect national security and makes recommendations to the President on whether such transactions should be allowed to proceed, or if they have already occurred, should be undone;
- Track and monitor certain transactions that have been approved, including those subject to mitigation agreements, and identify unreported transactions that might merit CFIUS review;
- Respond 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
- Track and monitor certain transactions that have been approved, including those subject to mitigation agreements filed with the FCC.

*Victims of Terrorism:*

- Establish and maintain the Office of Justice for Victims of Overseas Terrorism as required by Section 126 of the Department of Justice Appropriations Act of 2005 to ensure that the investigation and prosecution of terrorist attacks that result in the deaths and/or injuries of American citizens overseas remains a high priority within the Department; and
- Ensure 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.

**Strategic Goals and Accomplishments**

The NSD supports the Department’s Strategic Goals and Objectives in the areas of intelligence, strengthening partnerships, counterterrorism, and counterespionage.



**DOJ Strategic Goal 1: Prevent Terrorism and Promote the Nation’s Security  
Consistent with the Rule of Law**

*Objectives:*

- 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

## **National Security Division Accomplishments:**

The NSD's achievements include:

- Staffed a new Office of Law and Policy to harmonize national security legal and policy functions for the entire Department.
- Launched the National Export Enforcement Initiative to combat the growing threat posed by the illegal foreign acquisition of controlled U.S. military and strategic technologies.
- Promoted a national counterterrorism enforcement program through collaboration with Department leadership, the FBI, the Intelligence Community and the U.S. Attorneys' Offices.
- Filed 1,579 FISA applications with the FISC in 2010.
- Designated 159 international terrorism events to allow for U.S. victim compensation and reimbursement under the International Terrorism Victim Expense Reimbursement Program (ITVERP). Under this program victims can get reimbursement for their expenditures for several categories of expenses including funeral and burial costs, medical costs, mental health counseling expenses, and miscellaneous.
- Provided detailee positions to the Foreign Investment Review Staff to handle an increase in the workload associated with the Committee on Foreign Investment in the United States.
- 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. Program activities include intelligence, counterterrorism, and counterespionage which are related to 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 base funding plus an allocation of the management and administration and the Law and Policy overhead costs. The methodology used to allocate the overhead costs is based on the percentage of the total cost of the three program activities. These percentages are used to allocate the overhead costs.

### **D. Performance Challenges**

The top priority for the Department is to protect the nation from terrorist attacks while ensuring citizens' civil liberties are protected. The NSD has a dedicated Oversight Section within its Office of Intelligence to ensure that national security investigations and certain foreign intelligence, counterintelligence, and other national security activities of United States Intelligence Community components are conducted in a manner consistent with the nation's laws, regulations, court orders and policies, including those designed to protect the privacy interests and civil liberties of U.S. citizens. This means NSD must broaden the scope of its national security oversight beyond the Department's historical oversight role, which was primarily focused on the FBI's use of FISA authorities.

The increased workload in oversight responsibilities is attributable to statutory and other legal authorities, and the increased use of FISA collection, which in turn creates an enhanced need to ensure compliance with legal requirements. The NSD also has experienced an increase in reporting obligations pertaining to national security activities, which ensure that congressional oversight committees are fully informed regarding such activities.

**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)	
IT Savings	Departmental initiative to create cost savings through increased component collaboration on IT contracting.	0	0	(\$192)	31
<b>TOTAL, NSD</b>		<b>0</b>	<b>0</b>	<b>(\$192)</b>	

### **III. Appropriations Language and Analysis of Appropriations Language**

#### **Appropriations Language**

#### **NATIONAL SECURITY DIVISION**

#### *Federal Funds*

#### **SALARIES AND EXPENSES**

For expenses necessary to carry out the activities of the National Security Division, [~~\$87,000,000~~] \$90,039,000, 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>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2011 Enacted	346	346	\$87,762,124
2012 Enacted	359	353	87,000,000
Adjustments to Base and Technical Adjustments	0	0	3,231,000
2013 Current Services	359	359	90,231,000
2013 Program Increases	0	0	0
2013 Program Offsets	0	0	(192,000)
2013 Request	359	359	90,039,000
<b>Total Change 2012-2013</b>	<b>0</b>	<b>6</b>	<b>\$3,039,000</b>

#### 1. Program Description

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 activities of the United States are consistent with relevant law.

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. The NSD advises the Attorney General on all matters relating to the national security activities of the United States. The 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 the Foreign Intelligence Surveillance Act of 1978 (FISA), as amended, and conducts oversight of certain activities of the United States Intelligence Community components and the FBI's foreign intelligence and counterintelligence investigations pursuant to the Attorney General's guidelines for such investigations.

The NSD prepares and files all applications for electronic surveillance and physical search under FISA, represents the government before the Foreign Intelligence Surveillance Court, 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. The NSD assists government agencies by providing legal advice on matters of national security law and policy, participates in the development of legal aspects of national security and

intelligence policy, 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. The NSD comments on and coordinates other agencies views regarding proposed legislation affecting intelligence matters. The NSD serves as advisor to the Attorney General and various client agencies, including the Central Intelligence Agency, the FBI, as well as the Defense and State Departments concerning questions of law, regulations, and guidelines as well as the legality of domestic and overseas intelligence operations. The NSD also works closely with the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence to ensure they are apprised of Departmental views on national security and intelligence policy and are appropriately informed regarding operational intelligence and counterintelligence activities.

The NSD also serves as the Department's representative on the Committee on Foreign Investment in the United States (CFIUS) which reviews foreign acquisitions of domestic entities affecting national security and makes recommendations to the President on whether such transactions should be allowed to proceed or, if they have already occurred, should be undone. In this role, NSD evaluates information relating to the structure of the transaction, any foreign government ownership or control, threat assessments provided by the United States Intelligence Community, vulnerabilities resulting from the transaction, and ultimately the national security risks, if any, of allowing the transaction to proceed as proposed or subject to any conditions that may be necessary. In addition, NSD tracks and monitors certain 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 Federal Communication Commission (FCC) requests for Executive Branch determinations relating to the national security implications of certain transactions that involve FCC licenses. The 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.

The Office of Justice for Victims of Overseas Terrorism (OVT) was established as required by Section 126 of the Department of Justice Appropriations Act of 2005. OVT originally operated out of the Criminal Division before being transferred to the NSD in 2006 when the NSD was established. American victims of terrorist attacks overseas are entitled to the same rights as victims of crimes in the U.S. This Office 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 inquires on the Department's response to such attacks; compiling pertinent data and statistics; and filing any necessary reports with Congress.

## 2. Performance Tables

**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										
		Final Target		Actual		Projected		Changes		Requested (Total)
		FY 2011		FY 2011		FY 2012		Current Services Adjustments and FY 2013 Program Changes		FY 2013 Request
<b>Workload</b>										
<b>Cases Opened<sup>1</sup></b>										
		119		118 <sup>2</sup>		124		0		124
<b>Cases Closed<sup>1</sup></b>										
		97		100		102		0		102
<b>Matters Opened<sup>1</sup></b>										
		25,430		45,620		35,499		0		35,499
<b>Matters Closed<sup>1</sup></b>										
		25,366		45,129		35,392		0		35,392
<b>FISA Applications Filed<sup>1,3</sup></b>										
		CY 2011: 2,000		CY 2011: 2,000		CY 2012: 2,000		0		CY 2012: 2,000
<b>National Security Reviews of Foreign Acquisitions<sup>1</sup></b>										
		250		175 <sup>4</sup>		200		0		200
<b>Total Costs and FTE</b>										
<i>(reimbursable FTE are included, but reimbursable costs are bracketed and not</i>										
		FTE    \$000		FTE    \$000		FTE    \$000		FTE    \$000		FTE    \$000
		346   87,762		346   87,762		353   87,000		6   3,039		359   90,039
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	Projected		Actual		Projected		Changes		Requested (Total)
		FY 2011		FY 2011		FY 2012		Current Services Adjustments and FY 2013 Program Changes		FY 2013 Request
Program Activity	Intelligence	FTE    \$000		FTE    \$000		FTE    \$000		FTE    \$000		FTE    \$000
		220   62,282		220   62,282		226   61,123		4   2,135		230   63,258
<b>Output Measure</b>	Intelligence Community Oversight Reviews	89		92		82		0		82
<b>Output Measure (measure discontinued beginning FY 2013)</b>	Percent Increase in the Number of US Victims of Overseas Terrorism Identified Since Program Inception (Baseline: 50)	50% (increase from 531 to 800) <sup>5</sup>		99% (increase from 531 to 1056)		5.6% (increase from 1056 to 1115)		NA		NA
<b>Efficiency Measure</b>	Percentage of victims provided with service and/or compensation information within 3 business days of victim response to OVT outreach	80%		90%		80%		0%		80%

Note: No program or policy increases are reflected in this table.

<sup>1</sup> Workload 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.

<sup>2</sup> The FY 2011 projection for cases opened was not met because less cases were opened than anticipated.

<sup>3</sup> FISA 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.

<sup>4</sup> The FY 2011 projection for National Security Reviews of Foreign Acquisitions was not met because less cases were filed than anticipated.

<sup>5</sup> The FY 2010 total number of victims identified since program inception was previously reported as 532. One victim was later removed from the database, and therefore, the FY 2011 baseline decreased to 531.

**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.**

<b>WORKLOAD/ RESOURCES</b>		<b>Final Target</b>		<b>Actual</b>		<b>Projected</b>		<b>Changes</b>		<b>Requested (Total)</b>	
		<b>FY 2011</b>		<b>FY 2011</b>		<b>FY 2012</b>		<b>Current Services Adjustments and FY 2013 Program Changes</b>		<b>FY 2013 Request</b>	
<b>Program Activity</b>	<b>Counterterrorism</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>
		86	17,228	86	17,228	87	17,498	1	611	88	18,109
<b>Outcome Measure</b>	Percentage of CT cases favorably resolved	90%		98%		90%		0		90%	
<b>Outcome Measure</b>	Percentage of CT cases where classified information is safeguarded (according to CIPA requirements) without impacting the judicial process	99%		100%		99%		0		99%	
<b>Program Activity</b>	<b>Counterespionage</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>
		39	8,252	39	8,252	40	8,379	1	293	41	8,672
<b>Outcome Measure</b>	Percentage of CE cases favorably resolved	90%		98%		90%		0		90%	
<b>Outcome Measure</b>	Percentage of CE cases where classified information is safeguarded (according to CIPA requirements) without impacting the judicial process	99%		100%		99%		0		99%	
<b>Output Measure</b>	FARA Inspections	15		15		15		0		15	
<b>Output Measure</b>	High priority national security reviews completed	25		29		30		0		30	

*Note: No program or policy increases are reflected in this table.*

**PERFORMANCE MEASURE TABLE**

**Decision Unit: National Security Division**

Performance Report and Performance Plan Targets		FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011		FY 2012	FY 2013
		Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
<b>Performance Measure</b>	Intelligence Community Oversight Reviews	N/A	N/A	N/A	N/A	N/A	N/A	N/A	NA	89	92	82	82
<b>Output Measure (measure discontinued beginning FY 2013)</b>	Percent Increase in the Number of US Victims of Overseas Terrorism Identified Since Program Inception (Baseline: 50)	N/A	N/A	N/A	N/A	N/A	Baseline - 50	400% (increase from 50 to 250)	113% (increase from 250 to 531) <sup>1</sup>	50% (increase from 531 to 800) <sup>2</sup>	99% (increase from 531 to 1056)	5.6% (increase from 1056 to 1115)	NA
<b>Efficiency Measure</b>	Percentage of victims provided with service and/or compensation information within 3 business days of victim response to OVT outreach	N/A	N/A	N/A	N/A	N/A	N/A	80%	95%	80%	90%	80%	80%
<b>Outcome Measure</b>	Percentage of CT cases favorably resolved	N/A	N/A	N/A	N/A	98%	97%	100%	100%	90%	98%	90%	90%
<b>Outcome Measure</b>	Percentage of CT cases where classified information is safeguarded (according to CIPA requirements) without impacting the judicial process	N/A	N/A	N/A	N/A	N/A	100%	100%	100%	99%	100%	99%	99%
<b>Outcome Measure</b>	Percentage of CE cases favorably resolved	N/A	N/A	N/A	N/A	96%	92%	98%	94%	90%	98%	90%	90%
<b>Performance Measure</b>	FARA inspections completed	N/A	N/A	N/A	N/A	0	13	14	15	15	15	15	15
<b>Performance Measure</b>	High priority national security reviews completed	N/A	N/A	N/A	N/A	N/A	N/A	27	28	25	29	30	30
<b>Outcome Measure</b>	Percentage of CE cases where classified information is safeguarded (according to CIPA requirements) without impacting the judicial process	N/A	N/A	N/A	N/A	N/A	100%	100%	100%	99%	100%	99%	99%

Note: No program or policy increases are reflected in this table.

<sup>1</sup> The FY 2010 actual for this measure was previously reported as 113% (increase from 250 to 532). One victim was later removed from the database, and therefore the FY 2010 actual has decreased to 113% (increase from 250 to 531).

<sup>5</sup> The FY 2010 total number of victims identified since program inception was previously reported as 532. One victim was later removed from the database, and therefore, the FY 2011 baseline decreased to 531.

### 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, the 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; 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**

**FY 2011 Target: 89**

**FY 2011 Actual: 92**

**FY 2012 Target: 82**

**FY 2013 Target: 82**

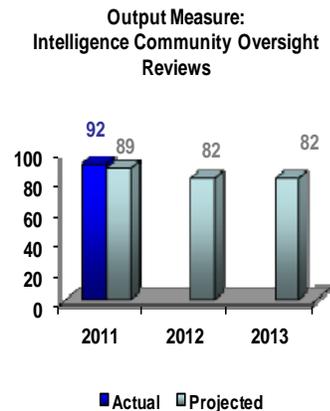
**Discussion:** No discussion required

**Data Definition:** NSD attorneys are responsible for conducting oversight of certain activities of United States Intelligence Community 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 2011 Target: 50%** (Increase from 531 to 800)  
**FY 2011 Actual: 99%** (Increase from 531 to 1056)  
**FY 2012 Target: 5.6%** (Increase from 1056 to 1115)

Note: The FY 2010 total number of victims identified since program inception was previously reported as 532. Once victim was later removed from the database, and therefore the baseline for FY 2011 decreased to 531.

**Discussion:** This measure will be discontinued in FY 2013 because it is no longer an effective indicator of program performance.

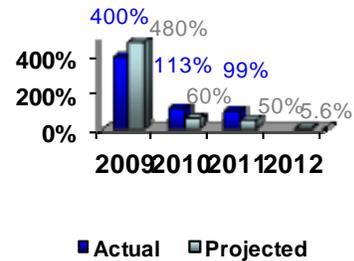
**Data Definition:** Victims: American citizens who are the victims of terrorism outside the borders of the U.S.

**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.

**Output Measure:  
% Increase in the Number  
of Victims of Overseas  
Terrorism Identified Since  
Program Inception**



**Measure: Percent of U.S. Victims of Terrorism Provided with Service and/or Compensation Information w/in 3 Business Days of Victim Response to OVT Outreach**

**FY 2011 Target: 80%**  
**FY 2011 Actual: 90%**  
**FY 2012 Target: 80%**  
**FY 2013 Target: 80%**

**Discussion:** No discussion required.

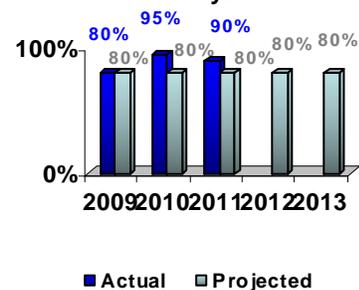
**Data Definition:** Victims: American citizens who are the victims of terrorism outside the borders of the U.S.

**Data Collection and Storage:** Data is collected and storage in an electronic database.

**Data Validation and Verification:** Data is validated by management and staff.

**Data Limitations:** None.

**Efficiency Measure:  
% of Victims Provided w/ Service  
&/or Compensation Info w/in 3  
days**



## Counterterrorism (CT) Performance Report

### Measure: **Percentage of CT Cases Favorably Resolved**

**FY 2011 Target: 90%**

**FY 2011 Actual: 98%**

**FY 2012 Target: 90%**

**FY 2013 Target: 90%**

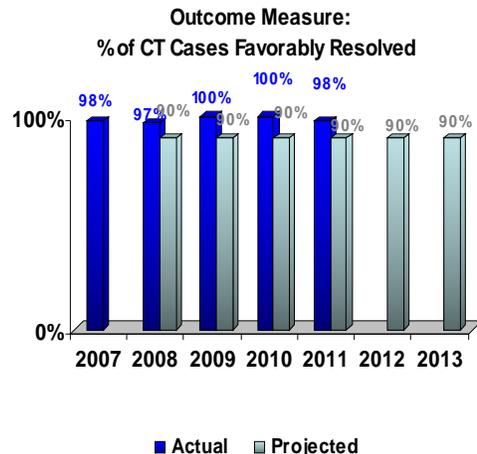
**Discussion:** No discussion required.

**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:

*U.S. v. Ali Ahmed, et al.* – (District of the District of Columbia): On March 8, 2011, Ali Ahmed and Muhammad Abid Hussain were indicted on charges of conspiracy to encourage and induce an alien to illegally come to and enter the United States for financial gain, in violation of 8 U.S.C. § 1324(a)(1)(A)(v)(I) and (a)(1)(B)(I). On December 8, 2011, a superseding indictment was returned against Hussain adding one count of conspiracy to provide material support to a designated Foreign Terrorist Organization, in violation of 18 U.S.C. § 2339B. Ahmed and Hussain were the subjects of an undercover operation in Quito, Ecuador. They allegedly agreed to transport a purported member of Tehrik-i-Taliban (TTP) and explosives from Pakistan into the United States. Ahmed pled guilty to an information charging him with providing material support to a designated Foreign Terrorist Organization. Trial against Hussain is scheduled to begin on January 23, 2012.

*U.S. v. Daniel Patrick Boyd, et al.* – (Eastern District of North Carolina): Daniel Boyd, a U.S. citizen and resident of North Carolina, his sons Dylan and Zakariya Boyd, and acquaintances Hysen Sherifi, Anes Subasic, Jude Kenan Mohammad, Mohammad Omar Aly Hassan, and Ziyad Yaghi were charged with: (1) providing material support and resources to terrorists, in violation of 18 U.S.C. § 2339A, including currency, training, transportation and personnel; and (2) conspiring to murder, kidnap, maim, and injure persons abroad, in violation of 18 U.S.C. § 956(a). Dylan Boyd was additionally charged with knowingly selling a firearm to a felon, in violation of 18 U.S.C. § 922(d). Daniel Boyd and the other defendants allegedly prepared themselves to engage in violent jihad and were willing to die as martyrs. They were also alleged

to have offered training in weapons, financing, and helped arrange overseas travel and contacts so others could wage violent jihad overseas. Daniel Boyd pled guilty on February 9, 2011, to one count of conspiracy to provide material support to terrorists and one count of conspiracy to murder, kidnap, maim and injure persons in a foreign country. His sentencing has not yet been scheduled. Zakariya Boyd pled guilty on June 7, 2011, to one count of conspiracy to provide material support to terrorists and he was sentenced to nine years in prison on December 20, 2011. Dylan Boyd pled guilty on September 14, 2011, to one count of aiding and abetting a conspiracy to provide material support to terrorists and he was sentenced to eight years in prison on December 20, 2011. On October 13, 2011, a federal jury convicted Yaghi and Sherifi on all counts. Hassan was acquitted by the jury of conspiring to carry out attacks overseas, but convicted of providing material support to terrorists, in violation of 18 U.S.C. § 2339A. On January 13, 2012, Hassan was sentenced to 15 years imprisonment, Yaghi was sentenced to 31 years and 6 months imprisonment, and Sherifi was sentenced to 45 years imprisonment.

*U.S. v. Tarek Mehanna, et al.* – (District of Massachusetts): On December 20, 2011, after a 35 day jury trial, Mehanna was convicted of: (1) conspiring to provide material support or resources to a designated Foreign Terrorist Organization in violation of 18 U.S.C. § 2339B; (2) conspiring to provide material support to terrorists, in violation of 18 U.S.C. § 2339A; (3) providing and attempting to provide material support to terrorists, in violation of 18 U.S.C. § 2339A(a); (4) conspiring to murder persons abroad, in violation of 18 U.S.C. § 956(a); and (5) conspiring to make materially false, fictitious and fraudulent statements, and provide false information, in violation of 18 U.S.C. § 1001(a)(2). Sentencing is set for April 12, 2012. The charges alleged that, after multiple unsuccessful attempts by Mehanna and his co-conspirators to locate and gain entry into a terrorist training camp, Mehanna began translating and distributing messages and other media from and about al Qa’ida leaders that were intended to inspire participation in violent jihad. For example, Mehanna allegedly authored and distributed a pro-suicide operation poem entitled “Make Martyrdom What you Seek,” and planned to distribute a translation of the transcript of a video known as “Wa Yakoon,” which contains, among other things, combat footage from Iraq and footage of speeches by Abu Musab al-Zarqawi and Usama bin Laden. Mehanna was also alleged to have completed a translation of “39 Ways to Serve and Participate in Jihad,” which was intended to incite people to engage in violent jihad.

*U.S. v. Ahmed Abdulkadir Warsame* – (Southern District of New York): On July 5, 2011, Ahmed Abdulkadir Warsame was arraigned on an indictment that charged him with: (1) conspiring to provide and providing material support to al-Shabaab and al-Qaeda in the Arabian Peninsula (AQAP) in violation of 18 U.S.C. § 2339B (four counts); (2) conspiring to teach and demonstrate the making of explosives, in violation of 18 U.S.C. §§ 842 (p) and 844(n) (one count); (3) possessing firearms and explosives in furtherance of the material support counts, in violation of 18 U.S.C. § 924(c) (two counts); and (4) receiving and conspiring to receive military training from and on behalf of a designated terrorist organization, in violation of 18 U.S.C. §§ 371 and 2339D (two counts). Warsame, a Somali national, was captured in the Gulf region by the United States military on April 19, 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. A conviction on all counts in the indictment would potentially result in a mandatory sentence of life in prison.

*U.S. v. Arbabsiar, et al.* – (Southern District of New York): On October 20, 2011, the grand jury in the Southern District of New York returned an indictment against Manssor Arbabsiar and Gholam Shakuri charging them with: (1) conspiracy to murder a foreign official; (2) conspiracy to engage in foreign travel and use of interstate and foreign commerce facilities in the commission of murder-for-hire; (3) conspiracy to use a weapon of mass destruction (explosives); and (4) conspiracy to commit an act of international terrorism transcending national boundaries. Arbabsiar is further charged with an additional count of foreign travel and use of interstate and foreign commerce facilities in the commission of murder-for-hire. Arbabsiar is a 56-year-old naturalized U.S. citizen holding both Iranian and U.S. passports. Gholam Shakuri is alleged to be an Iran-based member of Iran's Qods Force, which is a special operations unit of the Iranian Islamic Revolutionary Guard Corps (IRGC) that is said to sponsor and promote terrorist activities abroad. Shakuri remains at large. Arbabsiar was arrested on Sept. 29, 2011, at John F. Kennedy International Airport in Queens, New York. He faces a maximum potential sentence of life in prison if convicted of all the charges.

*Kampala Bombings* – On November 15, 2011, trial began in the Ugandan prosecution of 12 individuals for their respective roles in the July 11, 2010, bombings in Kampala, Uganda, that killed 76 people (including one American) and injured many more. The charges consist of terrorism, murder, and attempted murder under Ugandan law. During the second half of the World Cup finals, which were being televised at many popular locations in Uganda, three improvised explosive devices (IEDs) exploded in downtown Kampala. Al-Shabaab has claimed responsibility for the attacks. A spokesperson for al-Shabaab explained that the bombings were conducted to retaliate against the Ugandans for their military support to the African Union Mission in Somalia (AMISOM). On July 13, 2010, agents with the Federal Bureau of Investigation (FBI) and New York Police Department (NYPD) detectives from the New York Joint Terrorism Task Force (JTTF) deployed to Kampala to assist with the investigation. Since August 2010, trial attorneys with the DOJ/NSD Counterterrorism Section and JTTF personnel, at the request of Ugandan law enforcement, have travelled to Uganda and provided assistance to the Ugandan investigators and prosecutors.

U.S. v. Michael Finton - (Central District of Illinois): Finton, a.k.a. Talib Islam, was arrested on charges of attempted murder of federal officers and employees and attempted use of a weapon of mass destruction on September 23, 2009. According to the complaint and plea documents, Finton attempted to detonate a truck bomb outside a Federal building and courthouse in Springfield, Illinois. The vehicle used by Finton contained an inert explosive device provided by an FBI undercover agent. Finton parked the vehicle in front of the building and attempted to remotely detonate the bomb via his cellular phone. During the course of the undercover operation, Finton allegedly expressed his desire to undergo military training to become a mujihadeen fighter in Pakistan, Afghanistan, and Somalia. Finton ultimately chose a local target to attack and conducted surveillance. Finton allegedly indicated that he knew that the one-ton truck bomb would cause civilian casualties. On October 7, 2009, the grand jury returned an indictment. Finton pled guilty on May 9, 2011, and was sentenced on the same day to 28 years of imprisonment.

U.S. v. Farooque Ahmed – (Eastern District of Virginia): On October 27, 2010, Ahmed, a naturalized U.S. citizen born in Pakistan, was arrested on an indictment charging him with attempting to provide material support to a designated terrorist organization, collecting information to assist in planning a terrorist attack on a transit facility, and attempting to provide material support to help carry out a terrorist attack. According to the indictment, from April 2010 through October 2010, Ahmed attempted to assist FBI undercover agents whom he believed to be members of al-Qaeda in planning multiple bombings to cause mass casualties at D.C.-area Metrorail stations. Ahmed allegedly agreed to watch and photograph a hotel in Washington, D.C., and Metrorail stations in Arlington, Virginia, in order to obtain information about their security and busiest periods. Ahmed also participated in surveillance and recorded video images of Metrorail stations in Arlington on four separate occasions. Ahmed provided to an undercover agent a USB drive containing video images of two Metrorail stations and diagrams of three Metrorail stations that he had drawn. Ahmed also offered suggestions as to where explosives should be placed on trains in Metrorail stations in simultaneous attacks planned for 2011, so as to kill the largest number of people. On March 11, 2011, Ahmed pled guilty to charges of attempting to provide material support to a designated terrorist organization and collecting information to assist in planning a terrorist attack on a transit facility. He was sentenced to 23 years in prison.

U.S. v. Umar Farouk Abdulmutallab – (Eastern District of Michigan): On January 6, 2012, a grand jury in the Eastern District of Michigan returned an indictment against Abdulmutallab for his alleged role in the attempted bombing of Northwest Airlines Flight 253 over Detroit, Michigan, on Christmas day 2009. Abdulmutallab allegedly attempted to ignite a bomb hidden in his underwear while aboard the flight. The indictment charges Abdulmutallab with: (1) terrorism transcending international boundaries, in violation of 18 U.S.C § 2332b (one count); (2) attempted use of a weapon of mass destruction, in violation of 18 U.S.C. § 2332a(a)(2) (one count); (3) attempted murder, in violation of 18 U.S.C. § 1113 and 49 U.S.C. § 46506 (one count); (4) willfully attempting to destroy and wreck an aircraft, in violation of 18 U.S.C. §§

32(a)(1) and (5) (one count); (5) willfully placing a destructive device in, upon and in proximity to an aircraft, in violation of 18 U.S.C. § 32(a)(2) (one count); and (6) possession of a firearm/destructive device in furtherance of a crime of violence, in violation of 18 U.S.C. § 924(c) (three counts). On October 12, 2011, Abdulmutallab pled guilty to all counts in the indictment. Sentencing is scheduled for February 16, 2012. He faces a mandatory life sentence.

*U.S. v. Abu Khalid Abdul-Latif, et al.* – (Western District of Washington): On June 23, 2011, Walli Mujahidh, a/k/a Frederick Domingue, Jr., a former resident of Los Angeles, California, and Abu Khalid Abdul-Latif, a resident of Seattle, Washington, were charged with plotting an attack on the Military Enlistment Processing Station in Seattle. The defendants allegedly planned to use machine guns and hand grenades during the attack. On December 8, 2011, Mujahidh pled guilty pursuant to a plea agreement to three charges: (1) conspiracy to murder officers and employees of the United States, in violation of 18 U.S.C. §§ 1114(1) and 1117; (2) conspiracy to use weapons of mass destruction, in violation of 18 U.S.C. § 2332a; and (3) unlawful possession of machine guns, in violation of 18 U.S.C. § 922(g)(1). The plea agreement calls for a term of imprisonment within the range of 27-32 years (324-384 months), followed by a life term of supervised release. Trial against Abdul-Latif is scheduled to begin on May 7, 2012.

*U.S. v. Antonio Benjamin Martinez* – (District of Maryland): On December 21, 2010, the grand jury returned an indictment charging Antonio Benjamin Martinez of Baltimore, Maryland, with: (1) attempting to murder a federal officer or employee, in violation of 18 U.S.C. § 1114(3); and (2) attempting to use a weapon of mass destruction, in violation of 18 U.S.C. § 2332a(a)(3). On December 8, 2010, Martinez was arrested as part of an undercover operation after he allegedly attempted to remotely detonate explosives in a vehicle that he had parked outside of a military recruiting station. The explosive device was inert. According to the complaint, over the course of the FBI investigation, Martinez is alleged to have repeatedly spoken at length about his anger towards America and his belief that Muslims are being unjustly targeted and killed by the American military. Martinez has pled not guilty to the charges.

*U.S. v. Naser Jason Abdo* – (Western District of Texas): Naser Jason Abdo is 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). Trial is scheduled to begin on May 21, 2012. According to the complaint, Abdo was arrested on July 27, 2011, by local authorities in Killeen, Texas. At his arrest Abdo was found to be in possession of bomb-making materials and a gun. Abdo admitted to law enforcement that he had planned to attack U.S. soldiers at a restaurant outside Fort Hood in Texas using homemade explosive devices. Abdo is a soldier in the U.S. Army and was AWOL from Fort Campbell, Kentucky, at the time of his arrest.

U.S. v. Waad Ramadan Alwan, et al. – (Western District of Kentucky): 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, Mohamad Shareef Hammadi, is charged in the same indictment with the same charges highlighted above. On December 16, 2011, Alwan pled guilty to all of the charges in the indictment. According to the plea agreement and other court documents filed in the case, from approximately 2003 through 2006, Alwan was in Iraq where he conspired with others to plant and detonate numerous IEDs against U.S. troops there. The FBI found latent prints belonging to Alwan on a component of an IED that U.S. troops had recovered in Iraq in 2005. In addition, Alwan admitted that from October 2010 through May 2011, he knowingly taught another individual in Kentucky how to manufacture and use an IED for the purpose of killing U.S. nationals overseas. Hammadi, a fellow Iraqi refugee living in Bowling Green, Kentucky, is alleged to have assisted Alwan by participating in money and weapons deliveries believing that that the items were to support al Qaeda in Iraq. Alwan faces a maximum sentence of life imprisonment. Hammadi has pled not guilty to the charges.

#### AL SHABAAB CASES:

U. S. v. Moalin, et. al. (Southern District of California); U.S. v. Amina Ali, et al (District of Minnesota); U.S. v. Mohamud Abdi Yusuf, et al (Eastern District of Missouri); U.S. v. Omar Shafik Hammami (Southern District of Alabama); U.S. v. Jihad Serwan Mostafa (Southern District of California); U.S. v. Omer Abdi Mohamed (District of Minnesota); U.S. v. Mahamud Said Omar (District of Minnesota)

(Representative Case): Mohamud Abdi Yusuf and Duane Mohamed Diriye are charged by indictment with providing material support to al-Shabaab, a designated foreign terrorist organization, in violation of 18 U.S.C. §2339B. The indictment also charges Yusuf and Abdi Mahdi Hussein with conspiring to structure transactions to Somalia in order to prevent licensed money remitting businesses from keeping accurate records, in violation of 18 U.S.C. § 371. Yusuf is further charged with lying to immigration authorities, in violation of 18 U.S.C. § 1015(a). According to the indictment, Yusuf is a Somali-born taxi driver residing in St. Louis, Missouri. Diriye, an ethnic Somali who lives in Kenya, remains at large. Yusuf allegedly raised funds for al-Shabaab from within the Somali diaspora in Missouri and elsewhere. He sent funds to Diriye in Somalia to support al-Shabaab. Diriye is alleged to have facilitated and coordinated the receipt of funds and the distribution of the funds to al-Shabaab, and provided Yusuf with information concerning al-Shabaab’s operations and activities in Somalia. On November 3, 2011, Yusuf pled guilty to one count of conspiracy to provide material support to a foreign terrorist organization, in violation of 18 U.S.C. § 2339B(a)(1), and three counts of providing material support to a foreign terrorist organization, in violation of 18 U.S.C. § 2339B(a). His sentencing is scheduled for January 31, 2012. Hussein pled guilty to conspiring to structure financial transactions to Somalia in order to prevent licensed money remitting businesses from keeping accurate records, in violation of 18 U.S.C. § 371, on January 10, 2012. His sentencing is scheduled for April 10, 2012.

**Measure: Percentage of CT Cases Where Classified Information is Safeguarded (according to CIPA requirements) Without Impacting the Judicial Process**

**FY 2011 Target: 99%**

**FY 2011 Actual: 100%**

**FY 2012 Target: 99%**

**FY 2013 Target: 99%**

**Discussion:** No discussion required.

**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.

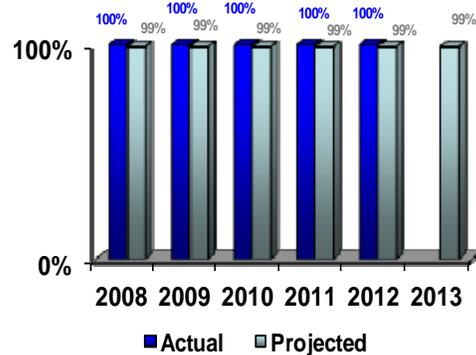
Safeguarded - that the confidentiality of the classified information is maintained because the Government has proposed redactions, substitutions or summarizations pursuant to CIPA which the Court has accepted. Impact on the judicial process - that the Court does not exclude certain evidence, dismiss 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:** 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.

**Outcome Measure:  
% of CT Cases Where Classified Info is Safeguarded w/o Impacting the Judicial Process**



## Counterespionage (CE) Performance Report

**Measure: Percentage of CE Cases Favorably Resolved**

**FY 2011 Target: 90%**

**FY 2011 Actual: 98%**

**FY 2012 Target: (Shouldn't this be higher given actual exceeded target in FY 2011?)**

**FY 2013 Target: (same as above)**

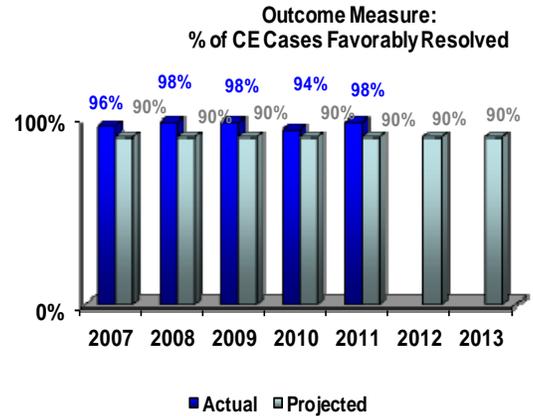
**Discussion: No discussion required.**

**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:

*Mohamad Soueid Indicted for Acting as Illegal Agent of Syria* – (Eastern District of Virginia):

On October 5, 2011, Mohamad Anas Haitham Soueid, a resident of Leesburg, Va., was indicted 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/k/a “Alex Soueid” or “Anas Alswaid,” a Syrian-born naturalized U.S. citizen, was charged by a federal grand jury on Oct. 5, 2011, in a six-count indictment in the Eastern District of Virginia. Soueid is charged 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. Soueid was arrested on Oct. 11, 2011. According to the indictment, since March 2011, Soueid acted in the United States as an agent of the Syrian *Mukhabarat*, which refers to the intelligence agencies of the Syrian Government, including the Syrian Military Intelligence and General Intelligence Directorate. At no time while acting as an agent of the Government of Syria in the U.S. did Soueid provide prior notification to the Attorney General as required by law. Under the direction and control of Syrian officials, Soueid is accused of recruiting individuals living in the United States to collect information on and make audio and video recordings of protests against the Syrian regime – including recordings of conversations with individual protestors – in the United States and Syria. He also is charged with providing the recordings and other information to individuals working for the *Mukhabarat*. According to the indictment, Soueid and others

conspired to use this information to undermine, silence, intimidate and potentially harm those in the United States and Syria who engaged in the protests.

*Bryan Underwood Indicted for Attempting to Spy for China* – (District of Columbia):

On September 28, 2011, Bryan Underwood, a former contract guard working at a U.S. Consulate in China, was charged in a superseding indictment with one count of attempting to communicate national defense information to a foreign government, two counts of making false statements, and one count of failing to appear in court pursuant to his conditions of release. Underwood was first charged in an indictment on Aug. 31, 2011, with two counts of making false statements and was arrested on Sept. 1, 2011. On Sept. 21, 2011, Underwood was scheduled to appear at a status hearing in federal court in the District of Columbia, but failed to do so. The FBI located Underwood in Los Angeles and arrested him there on Sept. 24, 2011. He was brought back to the District of Columbia for arraignment on the superseding indictment. According to the superseding indictment, from about March 1, 2011, to about Aug. 5, 2011, Underwood knowingly and unlawfully attempted to communicate photographs and other information relating to U.S. national defense to representatives of the People's Republic of China (PRC), with the intent and reason to believe that these materials would be used to the injury of the United States and to the advantage of a foreign nation. The indictment further alleges that Underwood made a false statement when he stated to an FBI representative that he was intending to assist the FBI when he wrote a letter stating his "interest in initiating a business arrangement" with the PRC. Underwood also made a false statement, according to the indictment, when he stated to an FBI representative that he was intending to assist the FBI when he took certain photographs of his place of work. Finally, the indictment alleges that Underwood failed to appear in court on Sept. 21, 2011, in accordance with the conditions of release after his initial arrest.

*Glenn Shriver Sentenced for Attempting to Spy for China* – (Eastern District of Virginia):

On January 21, 2011, in the Eastern District of Virginia, Glenn Duffie Shriver was sentenced to 48 months in prison for conspiring to provide national defense information to intelligence officers of the People's Republic of China (PRC). On October 22, 2010, Shriver pleaded guilty to a one-count criminal information charging him with conspiracy to communicate national defense information to a person not entitled to receive it. According to a statement of facts filed with his plea agreement, Shriver is proficient in Mandarin Chinese and lived in the PRC both as an undergraduate student and after graduation. While living in Shanghai in October 2004, Shriver developed a relationship with three individuals whom he came to learn were PRC intelligence officers. At the request of these foreign agents, Shriver agreed to return to the United States and apply for positions in U.S. intelligence agencies or law enforcement organizations. Shriver admitted in court that he knew that his ultimate objective was to obtain a position with a federal department or agency that would afford him access to classified national defense information, which he would then transmit to the PRC officers in return for monetary payments.

*Robert Cabelly Indicted for Conspiring to Act as Illegal Agent of Sudan* – (District of Columbia):

On March 3, 2011, in the District of Columbia, Robert J. Cabelly was charged in a superseding indictment with conspiracy to violate the Sudanese sanctions regulations, and acting as an

unregistered agent of a foreign power, violating the Sudanese sanctions regulations, money laundering, passport fraud, and making false statements. According to the indictment, between early 2005 and mid-2007, Cabelly, who was managing director of a Washington, D.C. consulting firm and a former State Department employee, performed work on behalf of the Republic of Sudan, a country on the State Department's State Sponsors of Terrorism list, without the approval of the U.S. government as is required by law under the Sudanese sanctions regulations. In an effort to make money, Cabelly brokered business contracts and transactions benefiting Sudan. The indictment also alleged that he provided Sudan with U.S. government information that was sensitive and controlled. All the while, Cabelly affirmatively misrepresented to U.S. officials the nature of his relationship with Sudan, as well as his relationship with foreign entities doing business in Sudan. According to the indictment, Cabelly was paid for services by Sudanese government officials and by a foreign oil company. Cabelly also allegedly concealed his travel to the Sudan from U.S. authorities by misusing U.S. passports.

*Yan "Wesley" Zhu Convicted for Stealing Company's Proprietary Information* – (District of New Jersey): On April 6, 2011, in the District of New Jersey, a citizen of the People's Republic of China (PRC) was convicted in federal court of seven counts of wire fraud in connection with his scheme to steal confidential and proprietary business information, relating to computer systems and software with environmental applications, from his New Jersey employer. The jury returned the guilty verdict against Yan Zhu a/k/a "Wesley Zhu" following a 13-day trial in Trenton. Zhu was convicted of all seven counts of wire fraud charged in the Superseding Indictment on which he was tried. The jury acquitted Zhu on a charge of conspiracy to steal trade secrets and two counts of unauthorized transmission of trade secrets in interstate or foreign commerce. According to documents filed in this case and the evidence at trial, Zhu sent confidential information relating to his employer's software system and a related database application to an individual in the PRC. This individual and one of Zhu's relatives then used this confidential information to design and build their own environmental software program, which they marketed to China's Shaanxi Province and at least one other province where Zhu's employer sought to do business. On January 5, 2012, Zhu was sentenced to three years probation with special provisions.

*Elliot Doxer Pleads Guilty to Economic Espionage* – (District of Massachusetts): On August 30, 2011, in the District of Massachusetts, Elliot Doxer pleaded guilty to one count of foreign economic espionage, a violation of 18 U.S.C. § 1831, for providing trade secrets over an 18-month period to an undercover FBI agent posing as an Israeli intelligence officer. Doxer is a former Akamai Technologies employee who in June 2006 sent an email to the Israeli consulate in Boston stating that he worked in Akamai's finance department and was willing to provide any information that might help Israel. In later communications, Doxer said that his chief desire "was to help our homeland and our war against our enemies." Doxer also asked for payment in light of the risks he was taking. In September 2007, an FBI agent posing as an undercover Israeli intelligence officer spoke to Doxer and established a dead drop where the agent and Doxer could exchange written communications. From September 2007 through March 2009, Doxer visited the dead drop at least 62 times to leave information and check for new communications. Included in the trade secret information that Doxer provided the undercover agent were an

extensive list of Akamai's customers; contracts between Akamai and various customers revealing contact, services, pricing, and termination date information; and a comprehensive list of Akamai's employees that revealed their positions and full contact information. Doxer also broadly described Akamai's physical and computer security systems and stated that he could he could travel to Israel and could support special and sensitive operations if needed. Doxer was arrested on October 6, 2010. On December 19, 2011, Doxer was sentenced to six months in prison, two years of supervised release, and a \$25,000 fine.

*Stewart Nozette Pleads Guilty to Attempted Espionage* – (District of Columbia):

On November 17, 2010, a grand jury in the District of Columbia returned a superseding indictment charging Stewart David Nozette with 4 counts of attempted espionage, in violation of 18 U.S.C. § 794. Nozette is a world renowned astrophysicist and a former member of the White House National Space Council who assisted with the development of the Clementine bi-static radar experiment, which purportedly discovered ice on the moon. From 1989 through 2006, Nozette held security clearances as high as TS/SCI and had regular, frequent access to classified information and documents related to United States national defense. According to the indictment, in September and October 2009 Nozette attempted to transmit classified information to an individual he believed to be an Israeli intelligence officer, but who was in fact an FBI undercover employee. Nozette disclosed information classified as Secret, Top Secret/SCI, and Top Secret/Special Access Required that concerned a U.S. weapons system at Edwards Air Force Base, U.S. satellites, early warning systems, means of defense or retaliation against large-scale attack, communications intelligence information, and major elements of defense strategy. On September 7, 2011, Nozette entered a plea of guilty to attempted espionage, with an agreed upon term of 13 years imprisonment.

**Select Recent Counterproliferation Prosecutions:**

*Components for IEDs to Iran and Iraq* – (District of Columbia): On October 25, 2011, prosecutors unsealed an indictment in the District of Columbia charging five individuals and four of their companies for their roles in a conspiracy to defraud the United States that allegedly caused 6,000 radio frequency modules to be illegally exported from the U.S. to Iran via Singapore, at least 16 of which were later found in Improvised Explosive Devices (IEDs) in Iraq. Some of the defendants were also charged in connection with the illegal export of military antennas to Singapore and Hong Kong. The indictment, which was returned under seal in the District of Columbia on Sept. 15, 2010, included charges of 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. Also charged was Wong Yuh Lan, an agent of Opto Electronics who was allegedly supervised by Larijani from Iran. The indictment also charges NEL Electronics Pte. Ltd., a company in Singapore, along with NEL's owner and director, Lim Yong Nam. Finally, the indictment charges 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 Oct. 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 modules to be illegally exported from the Minnesota company through Singapore, and later to Iran in five shipments, knowing that the export of U.S.-origin goods to Iran was a violation of U.S. law. The defendants allegedly told the Minnesota firm and the U.S. government that a telecommunications project in Singapore was the final destination of the goods. The alleged recipient of all 6,000 modules in Iran was Larijani. The indictment alleges that, in May 2008, December 2008, April 2009, and July 2010, 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 charges Seng, Hia, and Corezing with a separate fraud conspiracy involving the illegal export of two types of military antenna from the United States. The indictment alleges that these defendants conspired to defraud the United States by causing a total of 55 cavity-backed spiral antennas and biconical antennas to be illegally exported from a Massachusetts company to Singapore and Hong Kong without the required State Department license. Larijani was also charged with false statements in connection with his alleged business dealings with Majid Kakavand, an accused Iranian procurement agent who has been indicted in the United States for illegally exporting goods to Iran, including to military entities in Iran involved in that nation's nuclear and ballistic missile programs. In coordination with the criminal actions, the Commerce Department announced the addition of 15 persons located in China, Hong Kong, Iran, and Singapore to the Commerce Department's Entity List in connection with this procurement network.

*Military Aircraft Components to Iran* – (Middle District of Georgia): On June 23, 2011, federal prosecutors in the Middle District of Georgia announced charges against 12 defendants (seven individuals and five corporate entities) based in the U.S., France, the United Arab Emirates, and Iran for their alleged roles in a conspiracy to illegally export military components for F-4 and F-5 fighter jets and AH-1 and UH-1 Huey attack helicopters from the United States to Iran. Prosecutors unsealed a June 16, 2011 superseding indictment charging the eight foreign defendants with conspiring to violate and violating the Arms Export Control Act and the International Emergency Economic Powers Act, as well as conspiracy to defraud the United States, money laundering and false statement violations. Charges against four other defendants, who are based in the United States and have pleaded guilty in the case, were contained in the original indictment filed in 2010. The U.S.-based defendants are The Parts Guys LLC, and its president, Michael Edward Todd, as well as Galaxy Aviation Services and its president, Hamid Seifi, also known as Hank Seifi. Todd and his company pleaded guilty to conspiracy to violate the AECA on May 9, 2011. Seifi and his company pleaded guilty on February 24, 2011, to conspiracy to violate the AECA and violating the IEEPA. On June 22, 2011, Seifi was sentenced to 56 months in prison followed by three years of supervised release, a fine of \$12,500 and forfeiture of \$153,950, while Galaxy Aviation, which is now defunct, received a \$400 special assessment. Three defendants based in France have also been indicted as part of the investigation. They are Aerotechnic, a company in Pinsaguel, France, and its president, Philippe Sanchez, as well as Luc Teuly, the sales manager of Aerotechnic. Each of these defendants remains a fugitive. Two defendants based in the U.A.E. have also been indicted in the case.

They are Aletra General Trading, a company in Dubai doing business as “Erman & Sultan Trading Co,” and Syed Amir Ahmed Najfi, a purchaser for Aletra. Najfi remains a fugitive. Three defendants based in Iran have also been charged in the case. They are Sabanican Company, a company in Tehran, and its president, Hassan Seifi as well as Reza Seifi, the managing director of Sabanican Company. Each of these defendants remains at large. As part of the U.S. government’s coordinated action against this procurement network, the Commerce Department announced on June 23, 2011 that it would add the eight defendants in France, Iran and the U.A.E. to its “Entity List.”

*Radiation-Hardened Aerospace Technology to China* – (Eastern District of Virginia):

On June 1, 2011, Hong Wei Xian a/k/a “Harry Zan” and Li Li a/k/a “Lea Li” pleaded guilty in the Eastern District of Virginia to conspiracy to violate the Arms Export Control Act and conspiracy to smuggle goods unlawfully from the United States, in connection with their efforts to export to China radiation-hardened microchips that are used in satellite systems and are classified as defense articles. The defendants were arrested on September 1, 2010 in Budapest by Hungarian authorities pursuant to a U.S. provisional arrest warrant. On April 4, 2011, they made their initial court appearances in federal court in the Eastern District of Virginia after being extradited from Hungary. According to court documents, Zan and Li operated a company in China called Beijing Starcreates Space Science and Technology Development Company Limited. This firm was allegedly in the business of selling technology to China Aerospace and Technology Corporation, a Chinese government-controlled entity involved in the production and design of missile systems and launch vehicles. According to court documents, from April 2009 to September 1, 2010, the defendants contacted a Virginia company seeking to purchase and export thousands of Programmable Read-Only Microchips (PROMs). The defendants ultimately attempted to purchase 40 PROMs from the Virginia firm and indicated to undercover agents that the PROMs were intended for China Aerospace and Technology Corporation. On September 30, 2011, Zan and Li each were sentenced to 24 months in prison.

*TOW Missile Components to Iran* – (Northern District of Illinois): On May 31, 2011, Davoud Baniameri, an Iranian citizen and who lived in Woodland Hills, California, pleaded guilty in the Northern District of Illinois to charges of conspiring to illegally export goods and technology to Iran and attempting to illegally export defense articles. These charges stem from his efforts to illegally export TOW missile components and radio test sets to Iran. Baniameri was arrested on a criminal complaint on September 9, 2009 and later indicted in December 2009, along with Andro Telemi, a naturalized U.S. citizen from Iran and resident of La Tuna Canyon, California. A superseding indictment returned in July 2010 charged Baniameri, Telemi and, Syed Majid Mousavi, an Iranian citizen living in Iran. According to court documents, sometime before October 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 via Dubai. 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 for a total of

\$9,450 and directed Telemi 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. Baniameri conducted business via Pacific Green Valley, a firm in California, while Telemi conducted business as Oceanic Import Cars, Inc., a firm in California.

*Specialized Metals For Iranian Missile Program* – (District of Columbia): On February 1, 2011, an indictment was unsealed in the District of Columbia charging Milad Jafari, an Iranian citizen and resident, with illegally exporting and attempting to export specialized metals from the United States through companies in Turkey to several entities in Iran -- including entities that have been sanctioned for their involvement in Iran's ballistic missile activities. The Treasury Department also designated Jafari, several of his family members, associates, and corporate entities in Iran and Turkey, under Executive Order 13382, which targets for sanctions the proliferators of weapons of mass destruction and their supporters – thereby isolating them from the U.S. financial and commercial systems. According to the Treasury designation, Jafari and his associates operate a procurement network that provides direct support to Iran's missile program by securing metal products, including steel and aluminum alloys, for subordinates of Iran's Aerospace Industries Organization (AIO). The indictment alleges that Jafari and others operated Macpar and STEP, businesses with locations in Istanbul and Tehran. From February 2004 through August 2007, Jafari and his conspirators solicited orders from customers in Iran and purchased goods from U.S. companies on behalf of these Iranian customers. Jafari and others allegedly wired money to the U.S. companies as payment, concealed from the U.S. companies the end-use of the goods, and caused the goods to be shipped to Turkey and later to Iran. The indictment alleges that Jafari and his conspirators were successful in causing several shipments of materials to be exported from the United States to Iran via Turkey, including: three kilograms of custom-made brazing alloy, 1,366 pounds of commercial bronze bars, electronic testing equipment, U.S. fiber-optic equipment, and aerosol generators for fire suppression systems.

*Electronics Used in Military Radar & Electronic Warfare to China* – (District of Massachusetts): On January 27, 2011, Yufeing Wei was sentenced in the District of Massachusetts to 36 months in prison, while on January 26, 2011, her co-defendant, Zhen Zhou Wu, was sentenced to 97 months in prison. Their company, Chitron Electronics, Inc. was fined \$15.5 million. Wei, Wu, and Chitron Electronics, Inc. were convicted at trial on May 17, 2010 of conspiring for a period of more than ten years to illegally export to the People's Republic of China military electronics components and sensitive electronics used in military phased array radar, electronic warfare, and missile systems. Several Chinese military entities were among those receiving the exported equipment. Wu and Wei were also both convicted of filing false shipping documents with the U.S. government. As proven at trial, the defendants illegally exported military electronic components to China through Hong Kong. The electronics exported are primarily used in military phased array radar, electronic warfare, military guidance systems, and military satellite communications. The defendants also illegally exported Commerce Department-controlled electronics components to China with military applications such as electronic warfare, military radar, and satellite communications systems. Wu founded and controlled Chitron, with headquarters in Shenzhen, China, and a U.S. office located in Waltham, Massachusetts, where defendant Wei served as Manager. Wu and Chitron sold electronics from the U.S. to Chinese

military factories and military research institutes, including numerous institutes of the China Electronics Technology Group Corporation, which is responsible for the procurement, development and manufacture of electronics for the Chinese military. Since as early as 2002, Wu referred to Chinese military entities as Chitron’s major customer and employed an engineer at Chitron’s Shenzhen office to work with Chinese military customers. By 2007, 25 percent of Chitron’s sales were to Chinese military entities. Shenzhen Chitron Electronics Company Limited, Wu’s Chinese company through which U.S. electronics were delivered to the Chinese military and other end-users, was also indicted. The court has entered a contempt order against Chitron-Shenzhen for refusing to appear for trial and fined the corporation \$1.9 million dollars. Co-defendant Bo Li, a/k/a Eric Lee, previously pled guilty to making false statements on shipping documents.

**Measure: Percentage of CE Cases Where Classified Information is Safeguarded (according to CIPA requirements) Without Impacting the Judicial Process**

**FY 2011 Target: 99%**

**FY 2011 Actual: 100%**

**FY 2012 Target: 100%**

**FY 2013 Target: 100%**

**Discussion:** No discussion required.

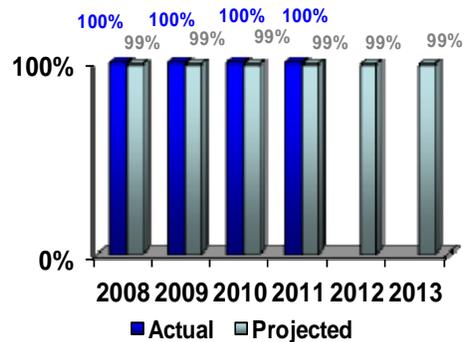
**Data Definition:** Classified information - information that has been determined by the United State Government pursuant to an Executive Order or statute to require protection against unauthorized disclosure for reasons of national defense or foreign relations, or any restricted data as defined by 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 we then enter 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.

**Outcome Measure:  
% of CE Cases Where Classified Info is Safeguarded w/o Impacting the Judicial Process**



**Measure: Targeted FARA Inspections Completed**

**FY 2011 Target: 15**

**FY 2011 Actual: 15**

**FY 2012 Target: 15**

**FY 2013 Target: 15**

**Discussion:** No discussion required.

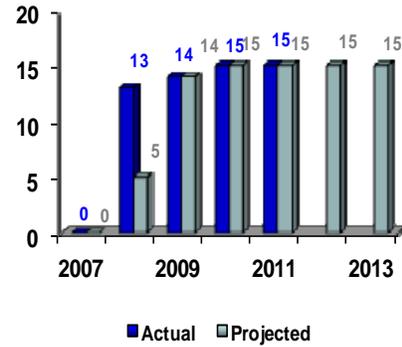
**Data Definition:** Targeted FARA Inspections are conducted routinely. There can also be additional inspections completed based on potential non-compliance issues. Inspections are just one tool used by the Unit to bring registrants into compliance with FARA.

**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**

**FY 2011 Target: 25**

**FY 2011 Actual: 29**

**FY 2012 Target: 30**

**FY 2013 Target: 30**

**Discussion:** No discussion required.

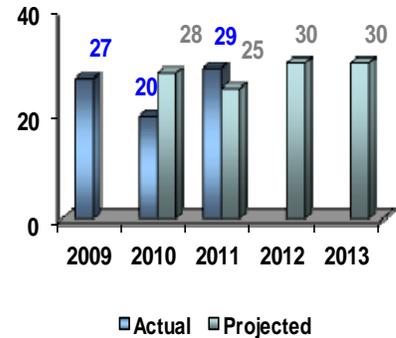
**Data Definition:** High Priority National Security Reviews include (1) CFIUS case reviews of transactions in which DOJ is a co-lead agency in CFIUS due to the potential impact on DOJ equities; (2) CFIUS case reviews which result in a mitigation agreement to which DOJ is a signatory; (3) Team Telecom case reviews which result in a mitigation agreement to which DOJ is a signatory; and 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**



## **VI. Program Offsets by Item**

### **A. IT Savings**

**Item Name:** Information Technology Savings

**Budget Decision Unit:** National Security Division

**Strategic Goal:** Goal 1: Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law

**Component Ranking of Item:** NA

**Program Reduction:** Positions 0 Atty 0 FTE 0 Dollars (\$192,000)

#### **Description of Item**

As part of its effort to increase Information Technology (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 2013 the Department anticipates realizing 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 2013 request. The offset to support these initiatives for NSD is \$192,000.

In FY 2013, NSD is investing \$12,444,000, 9 positions, and 9 FTE to maintain existing IT activities which will be unaffected by this offset.

## Funding

### Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2013 Request (\$000)	FY 2014 Net Annualization (Change from 2012) (\$000)	FY 2015 Net Annualization (Change from 2013) (\$000)
IT Savings Offset	(\$192)	0	(\$192)	\$0	\$0
<b>Total Non-Personnel</b>	<b>(\$192)</b>	<b>0</b>	<b>(\$192)</b>	<b>\$0</b>	<b>\$0</b>

### Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2014 Net Annualization (Change from 2012) (\$000)	FY 2015 Net Annualization (Change from 2013) (\$000)
IT Savings Offset	0	0	0	\$0	(\$192)	(\$192)	\$0	\$0
<b>Grand Total</b>	<u>0</u>	<u>0</u>	<u>0</u>	\$0	(\$192)	(\$192)	\$0	\$0

# VII. Exhibits

**A: Organizational Chart**

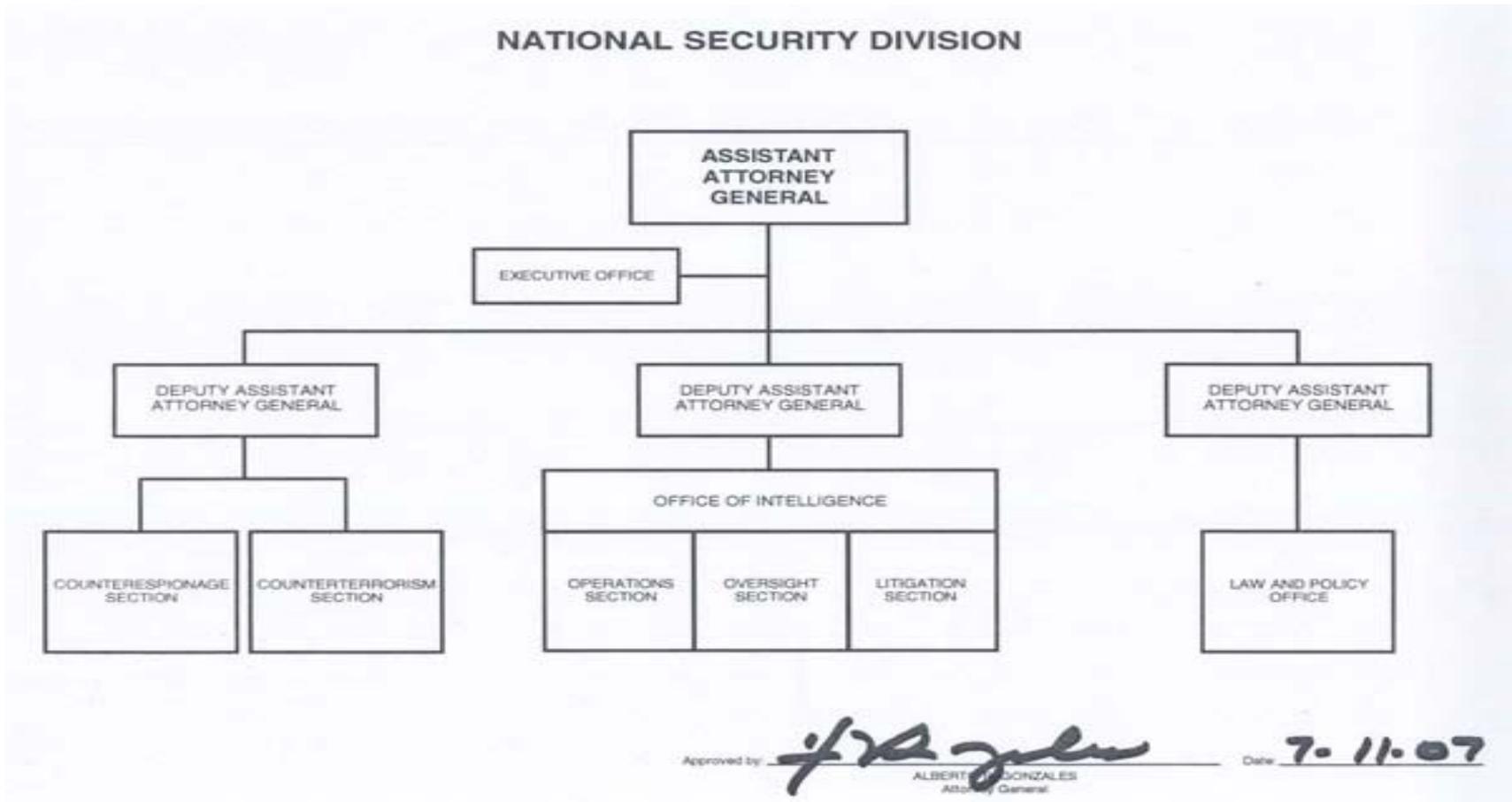


Exhibit A - Organizational Chart

**B: Summary of Requirements**

**Summary of Requirements**  
National Security Division  
Salaries and Expenses  
(Dollars in Thousands)

	FY 2013 Request		
	Perm. Pos.	FTE	Amount
<b>2011 Enacted</b>	<b>346</b>	<b>346</b>	<b>\$87,762</b>
<b>2012 Enacted</b>	<b>359</b>	<b>353</b>	<b>87,000</b>
Adjustments to Base			
Transfers:			
JCON and JCON S/TS	0	0	1,182
Office of Information Policy (OIP)	0	0	(16)
Professional Responsibility Advisory Office (PRAO)	0	0	(74)
Subtotal Transfers	0	0	1,092
Increases:			
Pay and Benefits	0	6	802
Domestic Rent and Facilities	0	0	1,337
Subtotal Increases	0	6	2,139
Total Adjustments to Base	0	6	3,231
<b>2013 Current Services</b>	<b>359</b>	<b>359</b>	<b>90,231</b>
Program Changes			
Offsets:			
IT Savings	0	0	(192)
Subtotal Offsets	0	0	(192)
Total Program Changes	0	0	(192)
<b>2013 Total Request</b>	<b>359</b>	<b>359</b>	<b>90,039</b>
2012 - 2013 Total Change	0	6	3,039

NOTE: All FTE numbers in this table reflect authorized FTE, which is the total number of FTE available to a component. Because the FY 2013 President's Budget Appendix builds the FTE request using actual FTE rather than authorized, it may not match the FY 2012 FTE enacted and FY 2013 FTE request reflected in this table.

**Summary of Requirements**  
National Security Division  
Salaries and Expenses  
(Dollars in Thousands)

	2011 Appropriation Enacted			2012 Enacted			2013 Adjustments to Base and Technical Adjustments			2013 Current Services			2013 Increases			2013 Offsets			2013 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
<b>Estimates by budget activity</b>																					
National Security Division	346	346	87,762	359	353	87,000	0	6	3,231	359	359	90,231	0	0	0	0	0	(192)	359	359	90,039
<b>Total</b>	<b>346</b>	<b>346</b>	<b>\$87,762</b>	<b>359</b>	<b>353</b>	<b>\$87,000</b>	<b>0</b>	<b>6</b>	<b>\$3,231</b>	<b>359</b>	<b>359</b>	<b>\$90,231</b>	<b>0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>0</b>	<b>(\$192)</b>	<b>359</b>	<b>359</b>	<b>\$90,039</b>
Reimbursable FTE																					0
Total FTE		346			353			6			359			0			0			359	
Other FTE:																					
LEAP																					0
Overtime																					0
Total Comp. FTE		346			353			6			359			0			0			359	

**C: Program Increases/Offsets By Decision Unit**

**FY 2013 Program Increases/Offsets By Decision Unit**  
 National Security Division  
 (Dollars in Thousands)

Program Offsets	Location of Description by Decision Unit	National Security Division				Total Offsets
		Pos.	Agt./Atty.	FTE	Amount	
Program Offset - IT Savings	National Security Division	0	0	0	(192)	(192)
<b>Total Offsets</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>(\$192)</b>	<b>(\$192)</b>

**D: Resources by DOJ Strategic Goal and Strategic Objective**

**Resources by Department of Justice Strategic Goal/Objective  
National Security Division**  
(Dollars in Thousands)

Strategic Goal and Strategic Objective	2011 Appropriation Enacted		2012 Enacted		2013 Current Services		2013				2013 Request	
	Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s	Increases		Offsets		Direct, Reimb. Other FTE	Direct Amount \$000s
							Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s		
<b>Goal 1: Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law</b>												
1.1 Prevent, disrupt, and defeat terrorist operations before they occur												
1.2 Prosecute those involved in terrorist acts	220	62,282	226	61,123	230	63,393				(135)	230	63,258
1.3 Combat espionage against the United States	86	17,228	87	17,498	88	18,148				(39)	88	18,109
	40	8,252	40	8,379	41	8,690				(18)	41	8,672
<b>Subtotal, Goal 1</b>	<b>346</b>	<b>87,762</b>	<b>353</b>	<b>87,000</b>	<b>359</b>	<b>90,231</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(192)</b>	<b>359</b>	<b>90,039</b>
<b>GRAND TOTAL</b>	<b>346</b>	<b>\$87,762</b>	<b>353</b>	<b>\$87,000</b>	<b>359</b>	<b>\$90,231</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>(\$192)</b>	<b>359</b>	<b>\$90,039</b>

## E. Justification for Base Adjustments

### Justification for Base Adjustments National Security Division

	<u>POS</u>	<u>FTE</u>	<u>Amount</u>
<u>Transfers</u>			
<u>JCON and JCON S/TS.</u> A transfer of \$1,182,000 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 2013.			1,182,000
<u>Office of Information Policy.</u> The National Security Division 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.			(16,000)
<u>Professional Responsibility Advisory Office.</u> The National Security Division 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.			(74,000)
<u>Increases</u>			
<u>2013 Pay Raise.</u> This request provides for a proposed 0.5 percent pay raise to be effective in January of 2013. This increase only includes the general pay raise. The amount requested, \$204,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$149,000 for pay and \$55,000 for benefits).			204,000
<u>Retirement.</u> Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on OPM government-wide 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 \$85,000 is necessary to meet our increased retirement obligations as a result of this conversion.			85,000
<u>Employees Compensation Fund.</u> The \$1,000 increase reflects payments to the Department of Labor for injury benefits paid in the past year under the Federal Employee Compensation Act. This estimate is based on the first quarter of prior year billing and current year estimates.			1,000
<u>Health Insurance.</u> Effective January 2013, the National Security Division's contribution to Federal employees' health insurance premiums increased by 7.9 percent. Applied against the 2011 estimate of \$2,685,000, the additional amount required is \$213,000.			213,000
<u>FERS Regular/Law Enforcement Retirement Contribution.</u> On June 11, 2010, the Board of Actuaries of the Civil Service Retirement System recommended a new set of economic assumptions for the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS). In accordance with this change, effective October 1, 2011 (FY 2012), the total normal cost of regular retirement under FERS will increase from the current level of 12.5 percent of pay to 12.7 percent. The total FERS contribution for Law Enforcement retirement will increase from 27.0 percent to 27.6 percent. This will result in new agency contribution rates of 11.9 percent for normal costs (up from the current 11.7 percent) and 26.3 percent for law enforcement personnel (up from the current 25.7 percent). The amount requested, 87,000, represents the funds needed to cover this increase.			87,000
<u>Changes in Compensable Days.</u> The increase cost for one more compensable day in FY 2013 compared to FY 2012 is calculated by dividing the FY 2012 estimated personnel compensation \$174,000 and applicable benefits \$38,000 by 260 compensable days.			212,000

	<u>POS</u>	<u>FTE</u>	<u>Amount</u>
<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 \$310,000 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 in FY 2013 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied. GSA provided data on the rate increases.			310,000
<u>Non-GSA.</u> The requested increase of \$1,000,000 is required to meet our commitment for locations which are not provided by GSA.			1,000,000
<u>Security Charges.</u> Guard Service includes those costs paid directly by DOJ and those paid to Department of Homeland Security (DHS). The requested increase of \$27,000 is required to meet our commitment to DHS and other security costs.			27,000
Total Increase:	0	0	\$3,231,000
Total ATB:	0	0	\$3,231,000

**F: Crosswalk of 2011 Availability**

**Crosswalk of 2011 Availability**

National Security Division

Salaries and Expenses

(Dollars in Thousands)

Decision Unit	FY 2011 Without Balance Rescissions			Balance Rescissions			Reprogrammings / Transfers			Carryover	Recoveries	2011 Availability		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Amount	Amount	Pos.	FTE	Amount
National Security Division	346	346	87,762	0	0	0	0	0	5,000	1,981	841	346	346	95,584
<b>TOTAL</b>	<b>346</b>	<b>346</b>	<b>\$87,762</b>	<b>0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>0</b>	<b>\$5,000</b>	<b>\$1,981</b>	<b>\$841</b>	<b>346</b>	<b>346</b>	<b>\$95,584</b>
Reimbursable FTE														0
Total FTE		346			0			0						346
Other FTE														0
LEAP														0
Overtime														0
Total Compensable FTE		346			0			0						346

Transfer/Carryover/Recovery: FY 2011 funds totaling \$7,822,000 represents a \$5,000,000 transfer and \$1,981,000 carryover for IT related projects and \$841,000 in recoveries.

**G: Crosswalk of 2012 Availability**

**Crosswalk of 2012 Availability**  
 National Security Division  
 Salaries and Expenses  
 (Dollars in Thousands)

Decision Unit	FY 2012 Enacted Without Rescissions			Rescissions			Reprogrammings / Transfers			Carryover	Recoveries	2012 Availability		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Amount	Amount	Pos.	FTE	Amount
National Security Division	359	353	87,000	0	0	0			0	7,659	85	359	353	94,744
<b>TOTAL</b>	<b>359</b>	<b>353</b>	<b>\$87,000</b>	<b>0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>0</b>	<b>\$0</b>	<b>\$7,659</b>	<b>\$85</b>	<b>359</b>	<b>353</b>	<b>\$94,744</b>
Reimbursable FTE														0
Total FTE		353			0			0						353
Other FTE														
LEAP		0			0			0						0
Overtime		0			0			0						0
Total Compensable FTE		353			0			0						353

Carryover/Recovery: FY 2012 funds totaling \$7,744,000 represents a \$7,659,000 carryover for IT related projects and \$85,000 in recoveries.

**I: Detail of Permanent Positions by Category**

**Detail of Permanent Positions by Category**  
National Security Division  
Salaries and Expenses

Category	2011 Enacted		2012 Enacted		2013 Request					
	Total Authorized	Total Reimbursable	Total Authorized	Total Reimbursable	ATBs	Program Increases	Program Decreases	Total Pr. Changes	Total Authorized	Total Reimbursable
Intelligence Series (132)	11		11						11	
Clerical and Office Services (300-399)	67		79						79	
Accounting and Budget (500-599)	7		7						7	
Attorneys (905)	236		236						236	
Paralegals / Other Law (900-998)	13		13						13	
Business & Industry (1100-1199)	1		1						1	
Information Technology Mgmt (2210)	8		8						8	
Security Specialists (080)	3		4						4	
<b>Total</b>	<b>346</b>	<b>0</b>	<b>359</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>359</b>	<b>0</b>
Headquarters (Washington, D.C.)	345		358					0	358	0
U.S. Field	1		1						1	
<b>Total</b>	<b>346</b>	<b>0</b>	<b>359</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>359</b>	<b>0</b>

## J: Financial Analysis of Program Changes

### Financial Analysis of Program Changes

National Security Division

Salaries and Expenses

(Dollars in Thousands)

	National Security Division IT Savings Offset		Program Changes	
	Pos.	Amount	Pos.	Amount
<b>Grades:</b>				
Personnel benefits	0	0	0	0
Travel and transportation of persons	0	0	0	0
Transportation of things	0	0	0	0
GSA rent	0	0	0	0
Communication, rents, and utilities	0	0	0	0
Printing	0	0	0	0
Advisory and assistance services	0	0	0	0
Other services	0	(192)	0	(192)
Purchases of goods & services from Government accounts	0	0	0	0
Research and development contracts	0	0	0	0
Operation and maintenance of equipment	0	0	0	0
Supplies and materials	0	0	0	0
Equipment	0	0	0	0
<b>Total, 2013 Program Changes Requested</b>	<b>0</b>	<b>(\$192)</b>	<b>0</b>	<b>(\$192)</b>

**K: Summary of Requirements by Grade**

**Summary of Requirements by Grade**

National Security Division  
Salaries and Expenses

	2011 Enacted w/Rescissions		2012 Enacted		2013 Request		Increase/Decrease	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
<b>Grades and Salary Ranges</b>								
SES, \$119,554 - 179,700	19		19		19		0	
GS-15, \$123,758 - 155,500	218		218		218		0	
GS-14, \$105,211 - 136,771	24		25		25		0	
GS-13, \$89,033 - 115,742	30		30		30		0	
GS-12, \$74,872 - 97,333	13		13		13		0	
GS-11, \$62,467 - 81,204	24		29		29		0	
GS-10, \$56,857 - 73,917	0		0		0		0	
GS-9, \$51,630 - 67,114	6		13		13		0	
GS-8, \$46,745 - 60,765	6		6		6		0	
GS-7, \$42,209 - 54,875	6		6		6		0	
<b>Total, Appropriated Positions</b>	<b>346</b>		<b>359</b>		<b>359</b>		<b>0</b>	
<b>Average SES Salary</b>		<b>\$174,273</b>		<b>\$174,273</b>		<b>\$174,273</b>		
<b>Average GS Salary</b>		<b>\$123,007</b>		<b>\$120,901</b>		<b>\$120,901</b>		
<b>Average GS Grade</b>		<b>14</b>		<b>14</b>		<b>14</b>		

## L: Summary of Requirements by Object Class

### Summary of Requirements by Object Class

National Security Division

Salaries and Expenses

(Dollars in Thousands)

Object Classes	2011 Actuals		2012 Availability		2013 Request		Increase/Decrease	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
11.1 Direct FTE & personnel compensation	346	\$38,284	353	\$41,465	359	\$43,495	6	\$2,030
11.3 Other than full-time permanent		648		705		705	0	0
11.5 Total, Other personnel compensation	0	793	0	793	0	793	0	0
<i>Overtime</i>							0	0
<i>Other Compensation</i>							0	0
11.8 Special personal services payments							0	0
Total	346	39,725	353	42,963	359	44,993	6	2,030
Other Object Classes:								
12.0 Personnel benefits		10,963		11,814		12,373		559
21.0 Travel and transportation of persons		1,428		1,428		1,428		0
22.0 Transportation of things		657		728		728		0
23.1 GSA rent		9,547		9,462		9,490		28
23.2 Moving/Lease Expirations/Contract Parking		174		205		213		8
23.3 Comm., util., & other misc. charges		3,758		3,758		6,240		2,482
24.0 Printing and reproduction		1		1		1		0
25.1 Advisory and assistance services		1,499		1,150		1,150		0
25.2 Other services		9,128		10,093		9,095		(998)
25.3 Purchases of goods & services from Government accounts (Antennas, DHS Sec. Etc.)		2,529		2,939		1,789		(1,150)
25.4 Operation and maintenance of facilities		5		5		5		0
25.5 Research and development contracts		0		0		0		0
25.6 Medical care		23		23		23		0
25.7 Operation and maintenance of equipment		195		195		195		0
26.0 Supplies and materials		257		221		221		0
31.0 Equipment		2,499		2,015		2,095		80
<b>Total obligations</b>		<b>\$82,388</b>		<b>\$87,000</b>		<b>\$90,039</b>		<b>\$3,039</b>
Unobligated balance, start of year		(1,981)		(7,659)				
Unobligated balance, end of year		13,196						
Recoveries of prior year obligations		(5,841)						
<b>Total DIRECT requirements</b>		<b>87,762</b>		<b>79,341</b>		<b>90,039</b>		
Reimbursable FTE:								
Full-time permanent	0	\$0	0	\$0	0	\$0		
23.1 GSA rent (Reimbursable)		\$0		\$0		\$0		
25.3 DHS Security (Reimbursable)		\$0		\$0		\$0		