

FY 2009
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 2009, the National Security Division (NSD) requests a total of 346 permanent positions (236 attorneys), 346 FTE, and \$83,789,000 to combat terrorism and protect national security. This request represents a total increase of \$10,416,000 and 38 FTE for adjustments-to-base.

Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.usdoj.gov/jmd/2009justification/>.

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 Section (CTS) and Counterespionage Section (CES); and a new Law and Policy Office. This organizational structure ensures greater coordination and unity of purpose between prosecutors and law enforcement agencies, on the one hand, and intelligence attorneys and the Intelligence Community, on the other, thus strengthening the effectiveness of the Department's national security efforts.

The Division is led by an Assistant Attorney General and supported by three Deputy Assistant Attorneys General, who oversee the Division's three components. The Division's major responsibilities include:

Intelligence Operations and Coordination:

- Represent the United States before the Foreign Intelligence Surveillance Court to obtain authorization under the Foreign Intelligence Surveillance Act of 1978 (FISA) for the United States government to conduct intelligence surveillance activities, such as electronic surveillance, physical searches, and pen registers and trap and trace devices;
- Obtain Attorney General authorization for the United States government to conduct intelligence activities in accordance with the provisions of Executive Order No. 12333, the Executive Order governing the intelligence activities of the United States;
- Coordinate and oversee 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, including the investigation and prosecution of international and domestic terrorism cases;
- Share information and trouble-shoot issues with prosecutors nationwide on terrorism matters, cases, and threat information, and establish and maintain an essential communication network between the Department of Justice and United States Attorneys Offices for the rapid transmission of information on terrorism threats and investigative activity;
- Share information and trouble-shoot issues with international prosecutors, agents, and investigating magistrates to assist in addressing international threat information and litigation initiatives;
- Provide training to prosecutors and investigators on cutting-edge tactics, substantive law, and relevant policies and procedures; and
- Ensure that the investigation and prosecution of terrorist attacks against American citizens overseas remain a high priority within the Department of Justice.

Counterespionage:

- Supervise the investigation and prosecution of cases involving national security, foreign relations, and the export of military and strategic commodities and technology;
- Coordinate cases involving the application of the Classified Information Procedures Act (CIPA); and
- Enforce the Foreign Agents Registration Act of 1938 (FARA) and related disclosure statutes.

Oversight:

- Oversee foreign intelligence, counterintelligence, and other national security activities to ensure rigorous obedience to the Constitution of the United States and the vigorous protection of individual privacy and civil liberties;
- Monitor the intelligence and counterintelligence activities of the Federal Bureau of Investigation (FBI) to ensure conformity with applicable laws and regulations, FISA Court orders, and Department procedures, including the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection;
- Oversee national security-related activities to determine their consistency with relevant policies and law; and
- Prepare reports on domestic and foreign intelligence and counterintelligence activities, and that relate to trends or changes in these activities.

Law and Policy:

- Oversee the development, coordination, and implementation, in conjunction with other components of the Department as appropriate, of policies with regard to intelligence, counterintelligence, counterterrorism, and national security matters;
- Provide legal assistance and advice, in coordination with the Office of Legal Counsel as appropriate, to Government agencies on matters of national security law and policy;
- Provide advice regarding classification of national security information;

- Produce monographs and other guidance on the interpretation and application of new terrorism statutes, regulations, and policies;
- Serve as the Department's representative on interdepartmental boards, committees, and other groups dealing with issues related to national security; and
- Advise the Attorney General, Congress, the Office of Management and Budget, and the White House on all areas of national security law.

C. Full Program Costs

The National Security Division 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, and three of its four Objectives. The costs by program activity include the base funding plus an allocation of the management and administration and the Law and Policy 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. NSD will have a dedicated Oversight Section to ensure that national security investigations are conducted in a manner consistent with the nation's laws, regulations, 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 well beyond the Department's traditional oversight role, which was primarily focused on the FBI's use of FISA authorities. For the first time, Justice Department attorneys will have the clear mandate to examine all aspects of the FBI's national security program for compliance with laws, regulations, and policies.

The sharply increased workload in OI brought by the demonstrated effectiveness of FISA surveillance and searches to prevent terrorist activity and the resulting increased number of requests for collection authority brought challenges to keep up with adequate attorney staffing and support personnel. To be adequately prepared to staff Department initiatives to fight terror, the Department needs to find ways to streamline and speed up the security clearance process so that new hires can be more quickly brought into the Department and to invest resources in clearing additional attorneys already in the Department who can be drawn on in an emergency to assist in investigative or prosecutorial activity related to terrorism.

II. Summary of Program Changes - (Not Applicable)

III. Appropriations Language and Analysis of Appropriations Language

Appropriations Language

SALARIES AND EXPENSES, NATIONAL SECURITY DIVISION

For expenses necessary to carry out the activities of the National Security Division, [\$73,373,000] \$83,789,000 ; of which not to exceed \$5,000,000 for information technology systems shall remain available until expended: Provided, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for activities of the National Security Division, the Attorney General may transfer such amounts to `Salaries and Expenses, National Security Division' from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 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

No substantive changes proposed.

IV. Decision Unit Justification

National Security Division

NATIONAL SECURITY DIVISION	Perm. Pos.	FTE	Amount
2007 Enacted	294	272	\$66,970
2007 Supplemental	0	0	1,736
2007 Enacted w/Supplemental	294	272	68,706
2008 Enacted	346	308	\$73,373
Adjustments to Base	0	38	10,416
2009 Current Services	346	346	83,789
2009 Program Increases	0	0	0
2009 Request	346	346	83,789
Total Change 2008-2009	0	38	\$10,416

1. Program Description

The Division is responsible for 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; overseeing terrorism investigations and prosecutions; and handling counterespionage cases and matters. As such, the Division supports the DOJ Strategic Plan in the areas of intelligence, counterterrorism, and counterespionage.

In coordination with the FBI, the Intelligence Community, and the U.S. Attorneys Offices, the Division'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 counterintelligence regarding foreign agents and powers. The Division advises the Attorney General on all matters relating to the national security activities of the United States. The Division 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) and conducts oversight of the FBI's foreign intelligence and counterintelligence investigations pursuant to the Attorney General's guidelines for such investigations.

The Division 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, the Division obtains the necessary authorization for the Attorney General to take appropriate actions to safeguard national security. The Division 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 National Counterintelligence Policy Board. The Division comments on and coordinates other agencies' views regarding proposed legislation affecting intelligence matters. The Division serves as adviser to the Attorney General and various client agencies, including the Central Intelligence Agency, the FBI, and the Defense and State Departments, concerning questions of law, regulation, and guidelines as well as the legality of domestic and overseas intelligence operations. The Division also maintains liaison 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 Division 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 they be undone. In this role, the Division 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 maybe necessary. In addition, the Division tracks and monitors certain transactions which have been approved subject to mitigation agreements, as well as broadly exercising vigilance in order to identify unreported transactions which require review. On behalf of the Department, the Division also responds to Federal Communication Commission (FCC) requests for Executive Branch determinations relating to the national security implications of certain transactions relating to FCC licenses. The Division 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 the imposition of 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 National Security Division in September 2006. This Office will "ensure that the investigation and prosecution of [terrorist] deaths of American citizens overseas are a high priority within the Department of Justice." Among other things, OVT is responsible for monitoring and overseeing the investigation and prosecution of terrorist attacks against Americans abroad and establishing a Joint Task Force with the Department of State in the event of a terrorist incident against Americans overseas. American victims of terrorist attacks overseas are entitled to the same rights as victims of crimes in the U.S. Many of these victims, and their congressional supporters, have been particularly vocal about their concerns relating to U.S. prosecutions of the terrorists implicated in these overseas attacks.

2. Performance Tables

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: National Security Division											
DOJ Strategic Goal/Objectives: 1.1 Prevent, disrupt, and defeat terrorist operations before they occur; 1.3 Prosecute those who have committed, or intended to commit, terrorist acts in the United States; and 1.4 Combat espionage against the United States.											
WORKLOAD/RESOURCES	Final Target		Actual		FY 2008 Enacted		Changes		Requested (Total)		
	FY 2007		FY 2007		FY 2008 Enacted		Current Services Adjustments and FY 2009 Program Changes		FY 2009 Request		
Cases Open*	92		85		90		-		110		
Cases Closed*	80		79		105		-		112		
Matters Opened*	370		13,150		13,754		-		14,451		
Matters Closed*	142		12,016		12,506		-		13,155		
FISA Applications Filed**	CY 2007: 2,285**		Not available until 2009		CY 2008: 2,399**				CY 2009: 2,519**		
National Security Reviews of Foreign Acquisitions*	CY 2007: 210***		CY 2007: 190		CY 2008: 210		20		CY 2009: 230		
Resources	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	
Total Cost and FTE	272	68,706			308	73,373	38	10,416	346	83,789	
Reimbursable FTE are included but reimbursable costs are bracketed and not included in totals											
		FY 2007		FY 2007		FY 2008 Enacted		Current Services Adjustments and FY 2009 Program Changes**		FY 2009 Request**	
Program Activity	Intelligence	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
		185	49,021			209	52,095	26	7,395	235	59,490
Output New Measure	FISA minimization reviews****	N/A		CY 2007: 34		CY 2008: 29		-		CY 2009: 29	
Output New Measure	National Security Reviews	N/A		CY 2007: 15		CY 2008: 18		-		CY 2009: 18	
Efficiency	Percentage of FISA Emergency Applications processed within 72 hours	CY 2007: 100%		CY 2007: 100%		CY 2008: 100%		-		CY 2009: 100%	

*Workload measures are not performance targets; rather they are estimates to be used for resource planning.

** FISA Application data are based on historical averages and do not represent actual data which remains classified for two years.

*** Team Telecom responsibilities were assumed from Criminal Division as of October 1, 2007. The FY 2007 number does not include any Team Telecom reviews and is therefore lower than FY 2008 and FY 2009 Requirements.

**** New minimization procedures were rolled out on October 1, 2007 that require the minimization reviews to be more resource intensive and therefore more labor hours will be spent on each review. As a result, fewer reviews are expected to be completed in FY 2008 and FY 2009 than in FY 2007.

PERFORMANCE AND RESOURCES TABLE

Decision Unit: National Security Division

DOJ Strategic Goal/Objectives: 1.1 Prevent, disrupt, and defeat terrorist operations before they occur; 1.3 Prosecute those who have committed, or intended to commit, terrorist acts in the United States; and 1.4 Combat espionage against the United States.

TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	Final Target		Actual		FY 2008 Enacted		Changes Current Services Adjustments and FY 2009 Program		Requested (Total)	
		FY 2007		FY 2007		FY 2008 Enacted		FY 2009 Request**		FY 2009 Request**	
		FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Program Activity	Counterespionage	27	5,276			31	5,870	4	833	35	6,703
Output	FARA inspections completed	0		0		5		3		8	
Output New Measure	Mitigation monitoring actions completed	Calendar Year (CY) 2007: 5		CY 2007: 13		CY 2008: 15		5		CY2009: 20	
Outcome New Measure	Percentage of CE cases where classified information is safeguarded (according to CIPA requirements) without impacting the judicial process	N/A		N/A		99%		-		99%	
Outcome	Percentage of CE cases favorable resolved	90%		96%		90%		-		90%	
Program Activity	Counterterrorism	60	14,409			68	15,408	8	2,188	76	17,596
Output New Measure	Percentage of international training needs met	N/A		79% (27 of 34)		80% (40 of 50)		3% (10 of 10)		83% (50 of 60)	
Outcome New Measure	Percentage of CT cases where classified information is safeguarded (according to CIPA requirements) without impacting the judicial process	N/A		N/A		99%		-		99%	
Outcome	Percentage of CT cases favorably resolved	N/A		98%		90%		-		90%	

PERFORMANCE MEASURE TABLE

Decision Unit: National Security Division											
Performance Report and Performance Plan Targets		FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007		FY 2008	FY 2009**
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Performance Measure	FISA minimization reviews	N/A	N/A	N/A	N/A	N/A	N/A	N/A	CY 2007: 34	CY 2008: 29	CY 2009: 29
Performance Measure	National Security Reviews	N/A	N/A	N/A	N/A	N/A	N/A	N/A	CY 2007: 15	CY 2008: 18	CY 2009: 18
Efficiency Measure	Percentage of FISA Emergency Applications processed within 72	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Performance Measure	Percentage of international training requests met	N/A	N/A	N/A	N/A	N/A	N/A	N/A	79% (27 of 34)	80% (40 of 50)	83% (50 of 60)
Outcome Measure	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	N/A	N/A	N/A	99%	99%
Outcome Measure	Percentage of CT cases favorable resolved	N/A	N/A	N/A	N/A	N/A	N/A	90%	98%	90%	90%
Performance Measure	FARA inspections completed (New measure)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	5	8
Performance Measure	Mitigation monitoring actions completed (New measure)	N/A	N/A	N/A	N/A	N/A	N/A	CY 2007: 5	CY 2007: 13	CY 2008: 15	CY 2009: 20
Outcome Measure	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	N/A	N/A	N/A	99%	99%
Outcome Measure	Percentage of CE cases favorable resolved	N/A	N/A	N/A	N/A	N/A	N/A	90%	96%	90%	90%

3. Performance, Resources, and Strategies

For performance reporting purposes, resources for the Division are included under DOJ Strategic Goal 1: Prevent Terrorism and Promote the Nation's Security. Within this Goal, the NSD resources address three of the Objectives: 1.1 Prevent, disrupt, and defeat terrorist operations before they occur; 1.3 Prosecute those who have committed, or intend to commit, terrorist acts in the United States; and 1.4 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 (by Program Activity)

Intelligence Performance Report

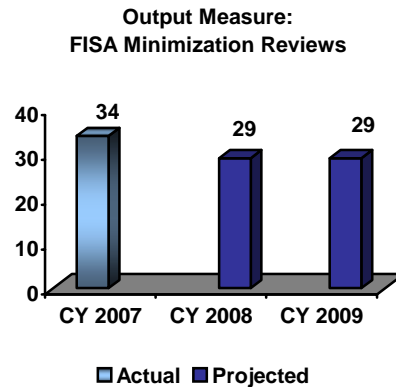
Measure: FISA Minimizations Reviews

CY 2007 Target: N/A - New Measure

CY 2007 Actual: 34*

Discussion: FISA Minimization Reviews totaled 34 in FY 2007.

*New minimization procedures were rolled out on October 1, 2007 that require the minimization reviews to be more resource intensive and therefore more labor hours will be spent on each review. As a result, fewer reviews are expected to be completed in FY 2008 and FY 2009 than in FY 2007.



Data Definition: FISA Minimization/Accuracy Reviews: An oversight process by which NSD attorneys analyze FBI cases to assess whether results of Foreign Intelligence Surveillance Court (FISC)-authorized electronic surveillance and physical search have been minimized in accordance with the minimization procedures set forth in FISC orders. In addition, NSD attorneys conduct a line-by-line review of certain applications presented to the FISC to ensure that the FBI possesses supporting documentation for each case-specific fact asserted therein; thereby maintaining the integrity of the applications presented to the FISC and the FISC's confidence in the information presented to it by the Government.

Data Collection and Storage: The information collected during each review is compiled into a minimization trip report, which is then provided to FBI, OGC, and the FBI field office reviewed.

Data Validation and Verification: Minimization reports are reviewed by NSD management before being released.

Data Limitations: None identified at this time.

Measure: National Security Reviews

CY 2007 Target: N/A - New Measure

CY 2007 Actual: 15

Discussion: 15 National Security Reviews were conducted in FY 2007.

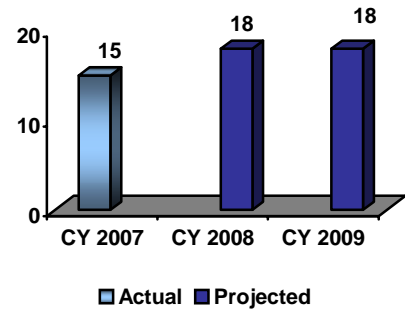
Data Definition: National Security Review (NSR): An oversight process designed to ensure that FBI national security investigations are conducted in accordance with the Constitution, statutes, the AG Guidelines and internal FBI policy directives. The NSRs enable the DOJ to identify recurring issues and recommend and effect changes where necessary.

Data Collection and Storage: The information collected during each review is compiled into a report, which is then presented to the FBI.

Data Validation and Verification: NSR reports are reviewed by NSD management before being released.

Data Limitations: None identified at this time.

**Output Measure:
National Security Reviews**



Measure: Percentage of FISA Emergency

Applications Processed Within 72 Hours

CY 2007 Target: 100%

CY 2007 Actual: 100%

Discussion: Despite the demand on limited resources, NSD was able to achieve the target.

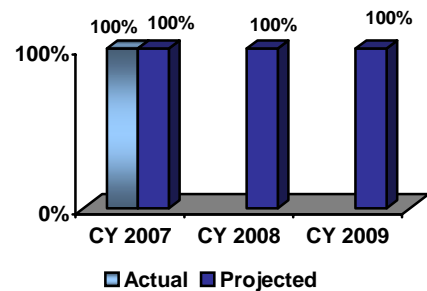
Data Definition: Percentage of applications prepared and filed within 72 hours of an emergency authorization by the Attorney General pursuant to the statutory requirements of the Foreign Intelligence Surveillance Act.

Data Collection and Storage: Data for FISA Emergence Applications Processed within 72 hours is provided by OI attorneys and maintained in the case tracking system, Case Tracking, ITKS.

Data Validation and Verification: Critical Incident Management Unit Staff reviews the data on a daily basis.

Data Limitations: None identified at this time.

**Efficiency Measure:
% of FISA Emergency Applications
Processed w/in 72 Hours**



Counterespionage (CE) Performance Report

Measure: Targeted FARA Inspections Completed

FY 2007 Target: N/A - New Measure

FY 2007 Actual: 0

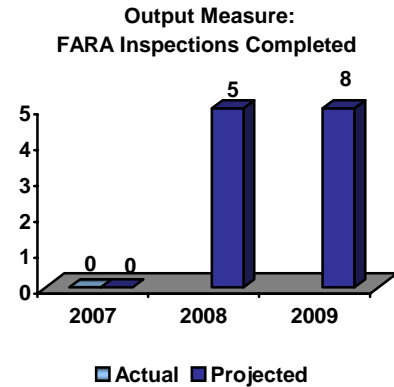
Discussion: No inspections were scheduled in FY 2007.

Data Definition: Targeted FARA Inspections are usually targeted 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: Inspections reports are prepared by FARA Unit personnel and stored in manual files.

Data Validation and Verification: Inspections reports are reviewed by the FARA Unit Chief.

Data Limitations: None identified at this time



Measure: Mitigation Monitoring Actions Completed

Calendar Year (CY) 2007 Target: N/A - New Measure

Measure

CY 2007 Actual: 13

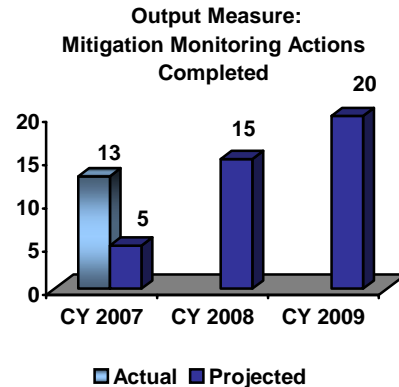
Discussion: Target was exceeded.

Data Definition: A Mitigation Monitoring Action includes full site visits as well as other methods of monitoring to ensure compliance with mitigation agreements to which DOJ and/or FBI is a party. Mitigation monitoring traditionally covers CFIUS requirements but is expected to expand to include mitigation requirements generated via DOJ application reviews of foreign acquisitions impacting FCC licensing matters.

Data Collection and Storage: Data is collected manually and stored in generic files; however, the program manager is reviewing the possibility of utilizing a modified automated tracking system.

Data Validation and Verification: Data is validated and verified by the program manager.

Data Limitations: While data accuracy is not a concern, given the expanding nature of the program area – a more centralized data system is desired.



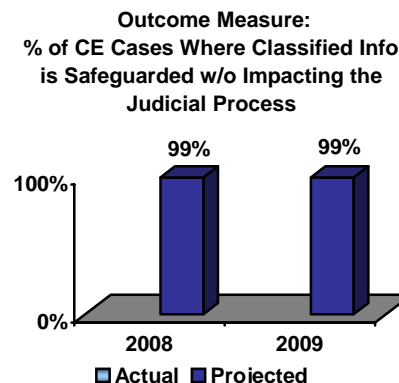
Measure: Percentage of CE Cases Where Classified Information is Safeguarded (according to CIPA requirements) Without Impacting the Judicial Process

FY 2007 Target: N/A - New Measure

FY 2007 Actual: N/A - New Measure

Discussion: N/A - New Measure

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.

Measure: Percentage of CE Cases Favorably Resolved

FY 2007 Target: 90%

FY 2007 Actual: 96%

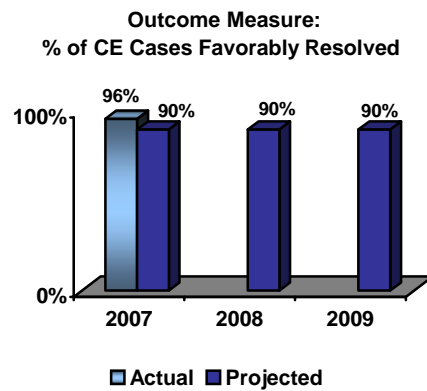
Discussion: The target was exceeded. Of the 54 cases closed, 52 were favorably resolved.

Data Definition: Cases Favorably Resolved includes all litigation cases closed during the FY.

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.



Counterterrorism (CT) Performance Report

Measure: Percentage of International Training Needs Met

FY 2007 Target: N/A

FY 2007 Actual: 79%

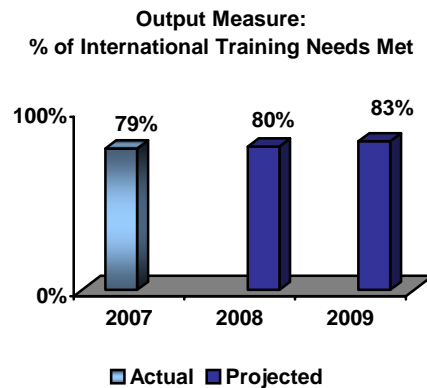
Discussion: In FY 2007 there were a total of 34 requests for international training – 27 were conducted and 7 declined due to manpower restraints.

Data Definition: International Training Requests: requests for training or participation in bilateral or multilateral efforts to improve other nations' counterterrorism efforts, particularly in regard to investigations, prosecutions, legislative drafting, relationship building and related matters.

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.



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

FY 2007 Target: N/A

FY 2007 Actual: N/A

Discussion: New Measure

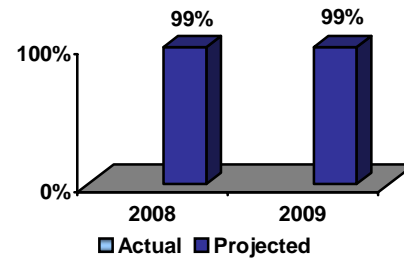
Data Definition: Classified information - information that has been determined by the United State Government pursuant to an Executive Order or statute to require protection against unauthorized disclosure for reasons of national defense or foreign relations, or any restricted data as defined by the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



Measure: Percentage of CT Cases Favorably Resolved

FY 2007 Target: N/A

FY 2007 Actual: 98%

Discussion: CT cases are extremely challenging. In FY 2007, 54 of 55 CT cases were successfully resolved.

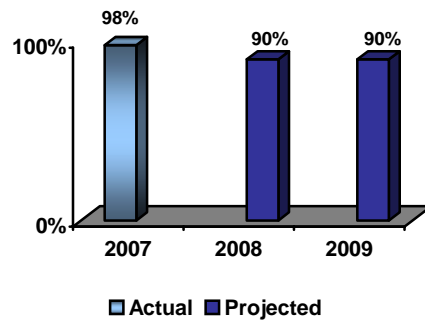
Data Definition: Cases Favorably Resolved includes all litigation cases closed during the FY.

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.

Outcome Measure:
% of CT Cases Favorably Resolved



V. E-Gov Initiatives

The DOJ is fully committed to the President's Management Agenda (PMA) and the E-Government (E-Gov) initiatives that are integral to achieving the objectives of the PMA. The E-Gov initiatives serve citizens, business, and federal employees by delivering high quality services more efficiently at a lower price. The Department is in varying stages of implementing E-Gov solutions and services including initiatives focused on integrating government wide transactions, processes, standards adoption, and consolidation of administrative systems that are necessary tools for agency administration, but are not core to DOJ's mission. To ensure that DOJ obtains value from the various initiatives, the Department actively participates in the governance bodies that direct the initiatives and we communicate regularly with the other federal agencies that are serving as the "Managing Partners" to ensure that the initiatives meet the needs of the Department and its customers. The Department believes that working with other agencies to implement common or consolidated solutions will help DOJ to reduce the funding requirements for administrative and public-facing systems, thereby allowing DOJ to focus more of its scarce resources on higher priority, mission related needs. DOJ's modest contributions to the Administration's E-Gov projects will facilitate achievement of this objective.

A. Funding and Costs

The DOJ E-Gov expenses – i.e. DOJ's share of E-Gov initiatives managed by other federal agencies – are paid for from the Department's Working Capital Fund (WCF). These costs, along with other internal E-Gov related expenses (oversight and administrative expenses such as salaries, rent, etc.) are reimbursed by the components to the WCF. The NSD reimbursement amount is based on the anticipated or realized benefits from an E-Gov initiative. As such, the NSD E-Gov reimbursement to the WCF is \$17,000 for FY 2008. The anticipated NSD E-Gov reimbursement to WCF is \$20,000 for FY 2009.

B. Benefits

The NSD established baseline cost estimates for each IT investment being (or planned to be) modified, replaced, or retired due to the Department's use of an E-Gov or Line of Business initiative. The NSD is measuring actual costs of these investments on an ongoing basis. As the NSD completes migrations to common solutions provided by an E-Gov or Line of Business initiative, the NSD expects to realize cost savings or avoidance through retirement or replacement of legacy systems and decreased operational costs.

VI. Exhibits

A: Organizational Chart

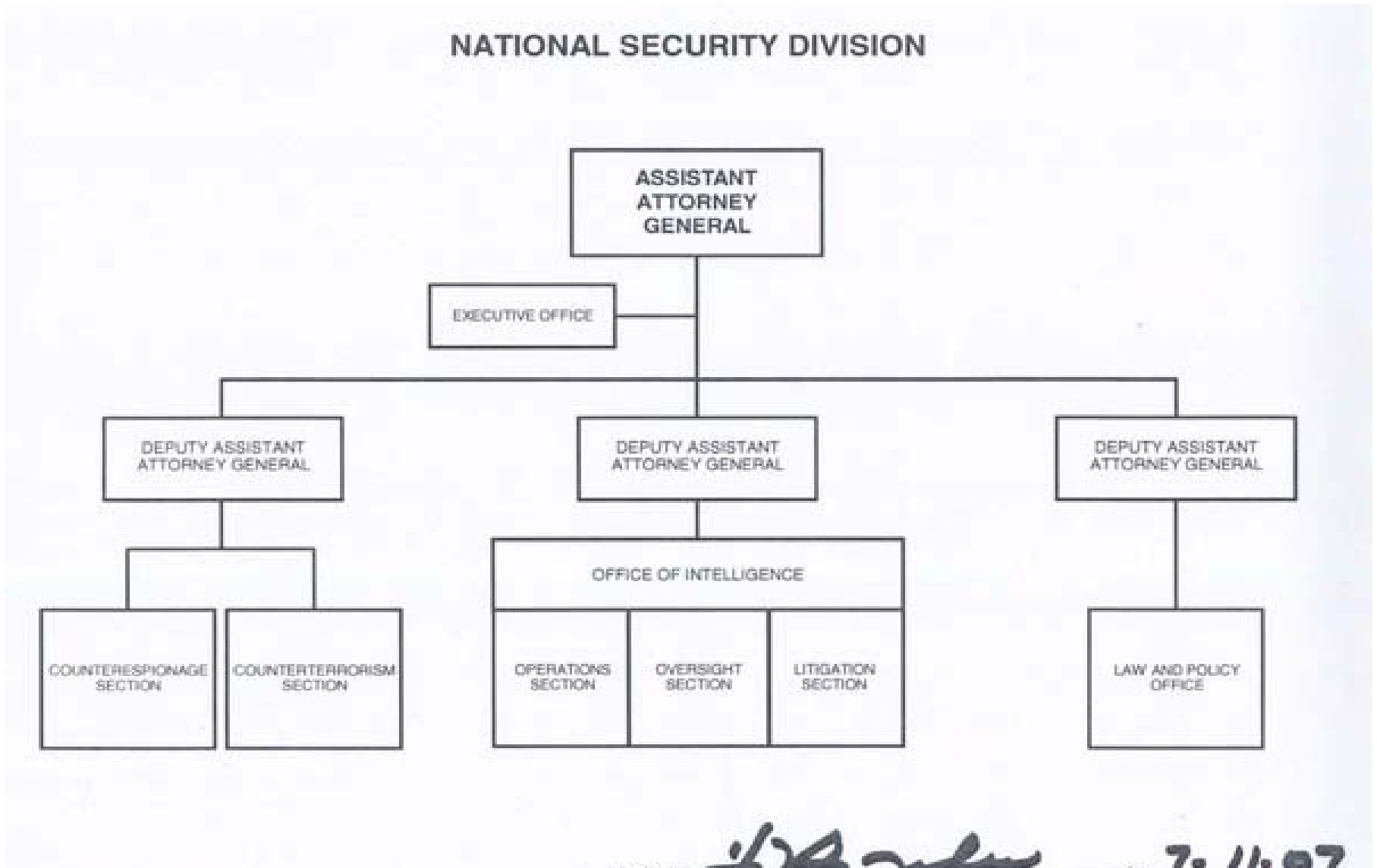


Exhibit A - Organizational Chart

B: Summary of Requirements

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

	FY 2009 Request		
	Perm. Pos.	FTE	Amount
2007 Enacted	294	272	66,970
2007 Supplemental	0	0	1,736
Total 2007 Enacted (w/Supplemental)	294	272	68,706
2008 Enacted	346	308	73,373
Adjustments to Base			
Increases:			
2009 Pay Raise (2.9%)			854
2008 Pay Raise Annualization (3.5%)			291
FERS LE Contribution (1%)			1
Annualization of 2008 Positions (FTE)		25	
Annualization of 2008 Positions (dollars)			1,672
Retirement			21
Health Insurance			94
GSA Rent			2,498
DHS Security Charge			16
Moves - Lease Expirations			2,059
Program Base Adjustment		13	3,060
Printing and Reproduction			1
Subtotal Increases	0	38	10,567
Decreases:			
Change in Compensable Days	0	0	(151)
Subtotal Decreases	0	0	(151)
Total Adjustments to Base	0	38	10,416
2009 Current Services	346	346	83,789
Program Changes	0	0	0
2009 Total Request	346	346	83,789
2008 - 2009 Total Change	0	38	10,416

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

Estimates by budget activity	2007 Appropriation Enacted w/Supplemental			2008 Enacted			2009 Adjustments to Base			2009 Current Services			2009 Increases			2009 Offsets			2009 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
National Security Division	294	272	68,706	346	308	73,373	0	38	10,416	346	346	83,789	0	0	0	0	0	0	346	346	83,789
Total	294	272	68,706	346	308	73,373	0	38	10,416	346	346	83,789	0	0	0	0	0	0	346	346	83,789
Reimbursable FTE	0			0						0									0		
Total FTE	272			308			38			346			0			0			346		
Other FTE:																					
LEAP	0			0			0			0			0			0			0		
Overtime	0			0			0			0			0			0			0		
Total Comp. FTE	272			308			38			346			0			0			346		

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	2007 Appropriation Enacted w/Supplemental		2008 Enacted		2009 Current Services		2009				2009 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 FTE	Amount \$000s	Direct FTE	Amount \$000s		
Goal 1: Prevent Terrorism and Promote the Nation's Security												
1.1 Prevent, disrupt, and defeat terrorist operations before they occur	185	49,021	209	52,095	235	59,490	0	0	0	0	235	59,490
1.3 Prosecute those who have committed, or intend to commit, terrorist acts in the United States	60	14,409	68	15,408	76	17,596			0	0	76	17,596
1.4 Combat espionage against the United States	27	5,276	31	5,870	35	6,703	0	0	0	0	35	6,703
Subtotal, Goal 1	272	68,706	308	73,373	346	83,789	0	0	0	0	346	83,789
GRAND TOTAL	272	\$68,706	308	\$73,373	346	\$83,789	0	\$0	0	\$0	346	\$83,789

E. Justification for Base Adjustments

Justification for Base Adjustments National Security Division

(Dollars in thousands)

Increases

2009 pay raise. This request provides for a proposed 2.9 percent pay raise to be effective in January of 2008 (This percentage is likely to change as the budget formulation process progresses.) This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$854, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$700 for pay and \$154 for benefits).

Annualization of 2008 pay raise. This pay annualization represents first quarter amounts (October through December) of the 2008 pay increase of 3.5 percent included in the 2008 President's Budget. The amount requested \$291, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$240 for pay and \$51 for benefits).

FERS Law Enforcement Retirement Contribution. Effective October 1, 2007, the FERS contribution for Law Enforcement retirement will increase from 25.1% to 26.2%, or a total of 1.1% increase. The amount requested, \$1, represents the funds needed to cover this increase.

Annualization of additional positions approved in 2008. This provides for the annualization of 25 additional FTE and \$1,672.

Retirement. Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 1.3 percent per year. The requested increase of \$21 is necessary to meet our increased retirement obligations as a result of this conversion.

Health Insurance. Effective January 2007, this component's contribution to Federal employees' health insurance premiums increase by 5.7 percent. Applied against the 2008 estimate of \$1,738, the additional amount required is \$94.

General Services Administration (GSA) Rent. GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$2,498 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 2009 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied. Rate increases have been formulated based on GSA rent billing data.

DHS Security Charges. The Department of Homeland Security (DHS) will continue to charge Basic Security and Building Specific Security. The requested increase of \$16 is required to meet our commitment to DHS. The costs associated with DHS security were derived through the use of an automated system, which uses the latest space inventory data. Rate increases expected in FY 2009 for Building Specific Security have been formulated based on DHS billing data. The increased rate for Basic Security costs for use in the FY 2009 budget process was provided by DHS.

Moves (Lease Expirations). GSA requires all agencies to pay relocation costs associated with lease expirations. This request provides for the costs associated with new office relocations caused by the expiration of leases in FY 2009. Funding of \$2,059 is required for this account.

Base Program Cost Adjustment. This adjustment provides for base program costs of \$3,060 to enable the NSD to maintain mission critical operations for which funds have been previously appropriated at anticipated FY 2009 levels. It will fund items such as personnel costs for previously authorized positions, operational travel and supplies, and information technology maintenance costs. These costs cannot be deferred without severe negative impact on mission-critical base operations.

Government Printing Office (GPO). GOP provides an estimated rate increase of 4%. This percentage was applied to the FY 2008 estimate of \$24 to arrive at an increase of \$1.

Decreases

Changes in Compensable Days. The decrease costs of one compensable day in FY 2009 compared to FY 2008 is calculated by dividing the FY 2008 estimated personnel compensation \$125 and applicable benefits \$26 by 261 compensable days. The cost decrease of one compensable day is \$151.

F: Crosswalk of 2007 Availability

**Crosswalk of 2007 Availability
National Security Division
Salaries and Expenses
(Dollars in Thousands)**

Decision Unit	FY 2007 Enacted Without Rescissions			Rescissions			Supplementals			Reprogrammings / Transfers			Carryover/ Recoveries			2007 Availability		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
National Security Division	294	272	66,970	0	0	0	0	0	1,736	0	0	0	0	0	[8,966]	294	272	68,706
TOTAL	294	272	\$66,970	0	0	\$0	0	0	\$1,736	0	0	\$0	0	0	[8,966]	294	272	\$68,706
Reimbursable FTE																		0
Total FTE		272			0			0			0			0				272
Other FTE																		
LEAP		0			0			0			0			0				0
Overtime		0			0			0			0			0				0
Total Compensable FTE		272			0			0			0			0				272

Carryover: Upon final Congressional approval on June 2, 2006, funds were reprogrammed from the Assets Forfeiture Fund Super Surplus for the startup of the new National Security Division. Balance was carried over into FY 2007.

G: Crosswalk of 2008 Availability

**Crosswalk of 2008 Availability
National Security Division
Salaries and Expenses
(Dollars in Thousands)**

Decision Unit	FY 2008 Enacted			Rescissions			Supplementals			Reprogrammings / Transfers			Carryover/ Recoveries			2008 Availability		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
National Security Division	346	308	73,373	0	0	0	0	0	0	0	0	0	0	0	1,580	346	308	74,953
Asset Forfeiture Fund	0	0	0	0	0	0	0	0	0	0	0	0	0	0	[6,120]			[6,120]
TOTAL	346	308	73,373	0	0	0	0	0	0	0	0	0	0	0	1,580	346	308	\$74,953
Reimbursable FTE																		0
Total FTE		308			0			0			0			0				308
Other FTE																		
LEAP		0			0			0			0			0				0
Overtime		0			0			0			0			0				0
Total Compensable FTE		308			0			0			0			0				308

Carryover: Funds were carried over for Global War on Terrorism (\$1,580) and Assets Forfeiture Fund Super Surplus (\$6,120).

I: Detail of Permanent Positions by Category

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

Category	2007 Enacted w/Rescissions and Supplementals		2008 Enacted		2009 Request					
	Total Authorized	Total Reimbursable	Total Authorized	Total Reimbursable	Program Increases	Program Offsets	Program Decreases	Total Pr. Changes	Total Authorized	Total Reimbursable
Intelligence Series (132)	4		4						4	
Personnel Management (200-299)	2		2						2	
Clerical and Office Services (300-399)	46		61						61	
Accounting and Budget (500-599)	4		4						4	
Attorneys (905)	202		236						236	
Paralegals / Other Law (900-998)	27		30						30	
Information & Arts (1000-1099)										
Business & Industry (1100-1199)										
Library (1400-1499)										
Equipment/Facilities Services (1600-1699)	1		1						1	
Miscellaneous Inspectors Series (1802)										
Criminal Investigative Series (1811)										
Supply Services (2000-2099)										
Motor Vehicle Operations (5703)										
Information Technology Mgmt (2210)	6		6						6	
Security Specialists (080)	2		2						2	
Miscellaneous Operations (010-099)										
Total	294	0	346	0	0	0	0	0	346	0
Headquarters (Washington, D.C.)	292		344						344	0
U.S. Field	2		2						2	
Foreign Field										
Total	294	0	346	0	0	0	0	0	346	0

K: Summary of Requirements by Grade

**Summary of Requirements by Grade
National Security Division
Salaries and Expenses**

Grades and Salary Ranges	2007 Enacted w/Rescissions and Supplementals		2008 Enacted		2009 Request		Increase/Decrease	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
EX, \$139,600 - 191,300	1		1		1		0	
SES, \$114,468 - \$172,200	14		17		17		0	
GS-15, \$115,317 - 149,000	202		230		230		0	
GS-14, \$98,033 - 127,442	14		24		24		0	
GS-13, \$82,961 - 107,854	22		22		22		0	
GS-12, \$69,764 - 90,698	3		3		3		0	
GS-11, \$58,206 - 75,669	21		21		21		0	
GS-9, \$48,108 - 62,546	6		13		13		0	
GS-8, 43,557 - 56,624	5		5		5		0	
GS-7, \$39,330 - 51,124	4		8		8		0	
GS-6, \$35,392 - 46,011	1		1		1		0	
GS-5, \$31,751 - 41,271	1		1		1		0	
GS-4, \$28,379 - 36,898	0		0		0		0	
GS-3, \$25,279 - 32,863	0		0		0		0	
GS-2, \$23,169 - 29,153	0		0		0		0	
GS-1, \$20,607 - 25,779	0		0		0		0	
Total, appropriated positions	294		346		346		0	
Average SES Salary		\$151,792		\$158,607		\$163,207		
Average GS Salary		\$122,262		\$125,959		\$129,612		
Average GS Grade		14.0		13.9		13.9		

L: Summary of Requirements by Object Class

Summary of Requirements by Object Class
National Security Division
 Salaries and Expenses
 (Dollars in Thousands)

Object Classes	2007 Actuals		2008 Enacted		2009 Request		Increase/Decrease	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
11.1 Direct FTE & personnel compensation	272	24,393	308	31,900	346	34,902	38	3,002
11.3 Other than full-time permanent		100		100		100		0
11.5 Total, Other personnel compensation		500		504		559		55
<i>Overtime</i>		159		163		172		9
<i>Other Compensation</i>		341		341		387		46
11.8 Special personal services payments		0		0		0		0
Total	272	24,993	308	32,504	346	35,561	38	3,057
Other Object Classes:								
12.0 Personnel benefits		5,547		8,412		9,237		825
21.0 Travel and transportation of persons		2,039		2,510		2,642		132
22.0 Transportation of things		154		146		167		21
23.1 GSA rent		7,086		8,354		10,852		2,498
23.2 Moving/Lease Expirations/Contract Parking		0		0		2,059		2,059
23.3 Comm., util., & other misc. charges		1,767		1,501		1,622		121
24.0 Printing and reproduction		17		24		26		2
25.1 Advisory and assistance services		1,014		825		1,038		213
25.2 Other services		2,502		4,343		4,086		(257)
25.3 Purchases of goods & services from Government accounts (Antennas, DHS Sec. Etc..)		12,276		12,510		13,300		790
25.4 Operation and maintenance of facilities		386		312		312		0
25.5 Research and development contracts		0		0		0		0
25.6 Medical Care		8		14		15		1
25.7 Operation and maintenance of equipment		30		30		30		0
26.0 Supplies and materials		306		275		297		22
31.0 Equipment		5,077		3,193		2,545		(648)
Total obligations		\$63,202		\$74,953		\$83,789		\$8,836
Unobligated balance, start of year		0		(1,580)		0		
Unobligated balance, end of year		1,580		0		0		
Recoveries of prior year obligations		0		0		0		
Total DIRECT requirements		64,782		73,373		83,789		
Reimbursable FTE:								
Full-time permanent	0	0	0	0	0	0	0	0
23.1 GSA rent (Reimbursable)		0		0		0		0
25.3 DHS Security (Reimbursable)		0		0		0		0