



U.S. Department of Justice

Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530

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MEMORANDUM TO: Holders of the United States Attorneys' Manual

FROM: Paul J. McNulty *PM*  
Deputy Attorney General

United States Attorneys' Manual Staff  
Executive Office for United States Attorneys

SUBJECT: Notification, Consultation, and Approval Requirements for  
International Terrorism Matters, Domestic Terrorism Matters, and  
Weapons of Mass Destruction, Torture, War Crimes and Genocide  
Matters

AFFECTS: USAM §§ 9-2.136 et seq., and USAM §9-2.400 Prior Approvals

The following guidance sets forth the Department's policy on notification, consultation, and approval requirements for International Terrorism Matters (USAM § 9.2-136), Domestic Terrorism Matters (USAM § 9.2-137), and Weapons of Mass Destruction (WMD), Torture, War Crimes and Genocide Matters (USAM § 9.2-138), which will be codified in the *United States Attorneys' Manual* (USAM) at the sections indicated. This policy replaces the existing USAM § 9.2-136 regarding international terrorism (IT) matters and adds new sections on domestic terrorism (DT) and WMD, torture, war crimes, and genocide matters. It replaces the August 3, 1995, Memorandum from Attorney General Janet Reno, regarding Domestic Terrorism Activity. This policy also revises and places into the USAM Deputy Attorney General Jim Comey's January 13, 2005, memorandum on Interim Guidance Concerning Terrorism Matters, which established a policy on these matters on a temporary basis, subject to review after one year to determine how it worked in practice. This review has taken place and has resulted in the following revisions:

1. Most references to the Criminal Division are replaced by references to the National Security Division (NSD), reflecting the move of the Counterterrorism Section (CTS) and responsibility for terrorism matters to the NSD.

2. In an effort to make the policy easier to understand, it adds various emphasis (bolding, underlining, and italics) and cross-references. It also clarifies what qualifies as an "international terrorism" matter and the provision excluding "routine" hoax and threat matters from approval requirements. A flowchart for applying the policy for International Terrorism Matters, which will be placed into the Criminal Resource Manual, is also attached.
3. The Interim Guidance did not discuss requirements for pen registers and trap and trace orders. These routine court filings were added to the provision discussing grand jury subpoenas as a process that requires consultation with CTS and other affected USAOs, but only where CTS or another USAO has a related investigation.
4. An area in which USAOs were frequently not complying with the Interim Guidance was the requirement of notification to CTS of the declination of "Category 1" matters, particularly notice of immediate declinations. The declination-reporting requirement has been moved to the list of "significant developments" in IT matters that should be reported to CTS. In practice, this will mean that only when an IT matter has been "initiated," which requires notice to CTS, will the later declination of that matter also require notice to CTS. This should provide the notification that Main Justice needs to be aware of developments and also assist the USAO and CTS to keep their inventory of pending IT matters consistent, while avoiding the need for the USAO to notify CTS of referrals that are so inconsequential or so quickly resolved as to not result in the initiation of a matter.
5. The domestic terrorism provision adds introductory and other language, but the basic requirement -- notification of the initiation of and significant developments in DT matters -- is not changed.

The Prior Approval Chart set forth at USAM §9-2.400 will be updated accordingly.

I am directing that this policy be reviewed annually by the Attorney General's Advisory Committee and the National Security Division, which shall recommend to the Deputy Attorney General and the Attorney General any revisions that may be appropriate.

Attachment