

**FY 2011  
Performance Budget  
Congressional Submission**



**NATIONAL SECURITY DIVISION**

**U.S. Department of Justice**

# Table of Contents

<b>I. Overview.....</b>	<b>1</b>
<b>II Summary of Program Changes .....</b>	<b>8</b>
<b>III. Appropriations Language and Analysis of Appropriations Language.....</b>	<b>9</b>
<b>IV. Decision Unit Justification.....</b>	<b>10</b>
National Security Division.....	10
1. Program Description .....	10
2. Performance Tables .....	12
3. Performance, Resources, and Strategies .....	15
<b>V. Program Increases by Item .....</b>	<b>29</b>
A. Intelligence Oversight and Litigation .....	29
B. Counterterrorism and Investigation Prosecution .....	34
C. Foreign Investment Review .....	38
D. Continuity of Operations Relocation Site .....	45
<b>VI. Program Offsets by Item .....</b>	<b>49</b>
<b>VII. Exhibits .....</b>	<b>50</b>
A. Organizational Chart.....	
B. Summary of Requirements .....	
C. Program Increases by Decision Unit.....	
D. Resources by DOJ Strategic Goal/Objective .....	
E. Justification for Base Adjustments .....	
F. Crosswalk of 2009 Availability .....	
G. Crosswalk of 2010 Availability .....	
H. Summary of Reimbursable Resources ( <i>Not Applicable</i> ) .....	
I. Detail of Permanent Positions by Category .....	
J. Financial Analysis of Program Increases/Offsets .....	
K. Summary of Requirements by Grade.....	
L. Summary of Requirements by Object Class .....	
M. Status of Congressionally Requested Studies, Reports, and Evaluations ( <i>Not Applicable</i> )	
<b>VIII. Back-up Exhibit: Program Changes by Decision Unit to Strategic Goal .</b>	

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

### **A. Introduction**

For FY 2011, the National Security Division (NSD) requests a total of 363 permanent positions (including 247 attorneys), 355 FTE, and \$99,537,000. This request includes a total program change of \$11,599,000 (including \$4,027,000 in adjustments-to-base), 17 permanent positions (including 11 attorneys), and 9 FTE. The NSD's total requested program improvements for FY 2011 will expand the Division's support of Goal One of the Department of Justice's Strategic Plan: Prevent Terrorism and Promote the Nation's Security.

The NSD is requesting \$2,495,000, 0 positions, and 0 FTE for information technology enhancements.

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/2011justification/>.

### **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); the Counterespionage Section (CES); the Office of Justice for Victims of Overseas Terrorism (OVT); and the 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 NSD is led by an Assistant Attorney General and supported by three Deputy Assistant Attorneys General, who oversee the NSD's components. 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 93 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 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:*

- Oversee foreign intelligence, counterintelligence, and other national security activities to ensure compliance with the Constitution, statutes, and Executive Branch policies to protect individual privacy and civil liberties; and

- Monitor the 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.

*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:*

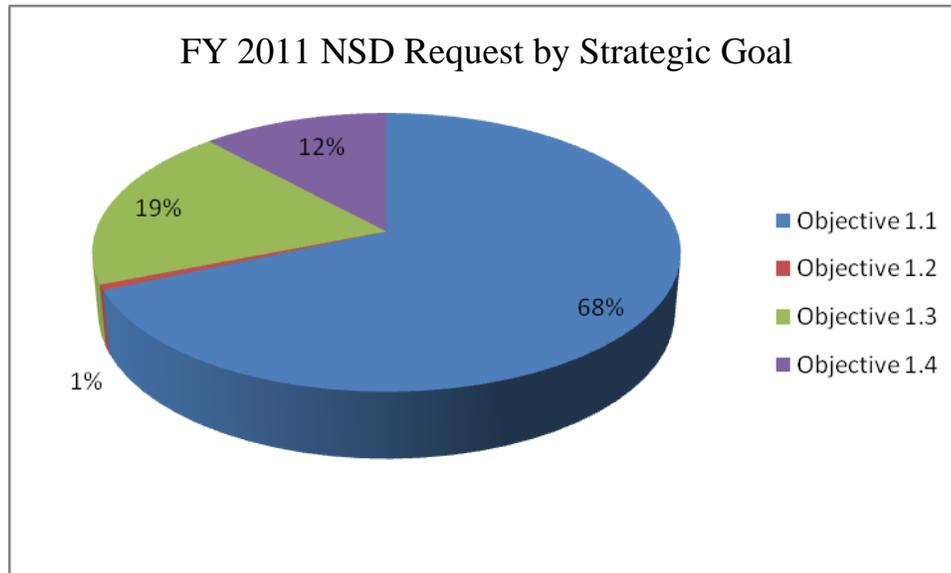
- Perform the Department’s staff-level work on the Committee on Foreign Investment in the United States (CFIUS), which reviews foreign acquisitions of domestic entities that might affect national security and makes recommendations to the President on whether such transactions should be allowed to proceed, 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 National Security

#### *Objectives:*

- 1.1 Prevent, disrupt, and defeat terrorist operations before they occur
- 1.2 Strengthen partnerships to prevent, deter, and respond to terrorist incidents
- 1.3 Prosecute those who have committed, or intend to commit, terrorist acts in the United States
- 1.4 Combat espionage against the United States

#### **National Security Division Accomplishments:**

The NSD's achievements include:

- Improved coordination between prosecutors and law enforcement agencies, on one hand, and intelligence attorneys and the Intelligence Community, on the other, to strengthen the effectiveness of the government's counterterrorism and counterespionage efforts.
- Re-organized the Office of Intelligence Policy and Review into the new Office of Intelligence, with three new sections to handle increased Foreign Intelligence Surveillance Act (FISA) workload, better coordinate FISA litigation and improve national security and intelligence oversight.

- Created a new Office of Law and Policy to harmonize national security legal and policy functions for the entire Department.
- Enhanced national security oversight to ensure FBI national security investigations comply with the nation's laws, rules and regulations, including privacy interests and civil liberties.
- Launched the National Export Enforcement Initiative to combat the growing threat posed by 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.
- Processed record numbers of FISA applications submitted to the FISA Court, including 2,083 FISA applications in 2008 as compared to 932 FISA applications in 2001.
- Funded and provided staffing for the Office of Justice for Victims of Overseas Terrorism, and designated 15 international terrorism events to allow for U.S. victim reimbursement.
- Detailed positions to the Foreign Investment Review Staff to handle a dramatically increased workload in connection with the Committee on Foreign Investment in the United States.

### **C. Program Assessment**

No programs in this budget account have been subject to an OMB program assessment.

### **D. Full Program Costs**

The NSD has a single decision unit. Program activities include intelligence, counterterrorism, counterespionage and strengthening partnerships which are related to Strategic Goal 1, Prevent Terrorism and Promote the Nation's Security, and 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 four program activities. These percentages are used to allocate the overhead costs.

### **E. 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 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. With NSD's creation, Justice Department attorneys have

the clear mandate to examine all aspects of the FBI's national security program for compliance with laws, regulations, and policies.

The increased workload in OI's oversight responsibilities is imposed by a number of statutory and other legal authorities and Inspector General investigations, including oversight of FBI use of national security letters, and by the increased use of FISA collection, which in turn creates an enhanced need to ensure compliance with legal requirements. These new, complex and time-consuming missions brought challenges to keep up with adequate oversight 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.

## **F. Environmental Accountability**

The National Security Division (NSD) is actively involved in a variety of programs and activities that promote environmental responsibility. The NSD has participated in environmental awareness education through two informational sessions conducted by its Executive Office where the coordinator of the Department of Justice (DOJ) recycling program spoke to NSD staff. Educational materials on recyclable items as well as guidelines on how to routinely conserve energy were distributed. This resulted in NSD purchasing additional recycling bins for its staff that is now more active in the recycling program. In addition, NSD has been making significant efforts toward becoming as paperless as possible through automated processes and systems. The Executive Office is in the process of developing several systems that will significantly reduce the amount of paper used for day-to-day transactions, including an automated requisition process tool as well as tools for financial, budgetary, and personnel tracking. Furthermore, the Foreign Agents Registration Act Unit is in the process of developing a fully automated electronic filing system that will allow users to register and pay registration fees online. This will eliminate a significant amount of paper usage. Finally, the NSD participates in DOJ environmental initiatives, including the toner cartridge recycling and transit subsidy programs. The NSD will continue to organize similar informational sessions to further educate the staff, implement systems that support the NSD's commitment toward environmental wellness, and participate in DOJ's green programs.

## II. Summary of Program Changes

Item Name	Description				Page
		Pos.	FTE	Dollars (\$000)	
<b>Intelligence Oversight and Litigation</b>	Resources to support increased FISA and intelligence oversight staffing. Resources will support the National Security Review program and FBI's use of National Security Letters, growing requests for intelligence collection activities and coordination from other parts of the Intelligence Community, other intelligence collection activities through FISA minimization reviews, and oversight of the use of FISA-derived information in criminal, civil and other court proceedings.	<b>8</b>	<b>4</b>	<b>\$1,118</b>	<b>29</b>
<b>Counterterrorism and Investigation Prosecution</b>	Resources to allow CTS to strengthen investigative and prosecutorial capabilities in order to more effectively identify, track, and prevent terrorist cells from operating in the US and overseas and improve information sharing and coordination with federal, State, local and foreign partners.	<b>3</b>	<b>1</b>	<b>\$418</b>	<b>34</b>
<b>Foreign Investment Review</b>	Resources to allow NSD to meet its increasing responsibilities as the Department's representative on the CFIUS which reviews foreign acquisitions of domestic entities affecting national security.	<b>6</b>	<b>4</b>	<b>\$2,235</b>	<b>38</b>
<b>Continuity of Operations (COOP) Relocation Site</b>	Resources to fund the NSD catastrophic COOP relocation site, which is the location where essential classified functions will resume should a catastrophic situation occur. It is crucial to ensure continuity of NSD's essential functions under all circumstances.	<b>0</b>	<b>0</b>	<b>\$4,017</b>	<b>45</b>
<b>Travel Management Efficiencies</b>	Travel offset	<b>0</b>	<b>0</b>	<b>(\$216)</b>	<b>49</b>
<b>TOTAL, NSD</b>		<b>17</b>	<b>9</b>	<b>\$7,572</b>	

### **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, [\$87,938,000] \$99,537,000; 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

<i>National Security Division</i>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2009 Enacted with Rescissions	346	346	\$83,789
2009 Supplementals	0	0	1,389
2009 Enacted w/Rescissions and Supplementals	346	346	\$85,178
2010 Enacted	346	346	\$87,938
Adjustments to Base and Technical Adjustments	0	0	4,027
2011 Current Services	346	346	91,965
2011 Program Increases	17	9	7,788
2011 Program Offset	0	0	(216)
2011 Request	363	355	99,537
<b>Total Change 2010-2011</b>			\$11,599

#### 1. Program Description

The National Security Division (NSD) 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.

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 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 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, 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 September 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

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 Strengthen partnerships to prevent, deter, and respond to terrorist activities; 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		Projected		Changes		Requested (Total)	
		FY 2009		FY 2009		2010 Enacted		Current Services Adjustments and FY 2011 Program Change		FY 2011 Request	
Workload											
Cases Opened <sup>1</sup>		100		101		117		2		119	
Cases Closed <sup>1</sup>		82		90		95		2		97	
Matters Opened <sup>1,2</sup>		14,376		26,149		25,415		15		25,430	
Matters Closed <sup>1,2</sup>		13,255		31,184		25,351		15		25,366	
FISA Applications Filed <sup>1,3</sup>		CY 2009: 2,519		This information is classified at this time		CY 2010: 2,083		0		CY 2011: 2,083	
National Security Reviews of Foreign Acquisitions <sup>1,4</sup>		CY 2009: 230		FY 2009: 185 <sup>5</sup>		FY 2010: 250		0		FY 2010: 250	
Total Costs and FTE											
(reimbursable FTE are included, but reimbursable costs are											
		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		346	83,789	346	83,789	346	87,938	9	11,599	355	99,537
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	Final Target		Actual		Projected		Changes		Requested (Total)	
		FY 2009		FY 2009		2010 Enacted		Current Services Adjustments and FY 2011 Program Change		FY 2011 Request	
Program Activity	Intelligence	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		229	61,205	229	61,205	213	61,341	5	6,676	218	68,017
Output Measure, discontinued	FISA Minimization Reviews	CY 2009: 35		CY 2009: 35		CY: 31 <sup>6</sup>					
Output Measure, discontinued	National Security Reviews	CY 2009: 18		CY 2009: 18		CY: 20					
Output Measure, new	Intelligence Community Oversight Reviews	NA		NA		51		38		89	
Efficiency Measure, discontinued	Percentage of FISA Emergency Applications processed within 7 days	CY 2009: 100%		CY 2009: 100%		CY 2010: 100%					
Efficiency Measure, discontinued	Resolution of Compliance Matters	60 days		80 days <sup>7</sup>		60 days					

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> More items are being counted as matters beginning in FY 2009. Therefore the FY 2010 target has increased.

<sup>3</sup> FISA Applications filed data is based on historical averages and does not represent actual data which remains classified for one year. Additionally, due to changes in the statute and shifting operational priorities, the number of applications in 2009 will likely be lower. However, 2009 numbers remain classified at this time. The FISA applications data projected for FY2010 and FY2011 is based on the number of FISA applications approved in 2008, which is 2,083.

<sup>4</sup> For FY 2010 and FY 2011, the definition for National Security Reviews of Foreign Acquisitions has been expanded to include CFIUS and TT case reviews and mitigation monitoring reviews. In addition, beginning in FY 2009, data for this measure will begin being collected on a fiscal year basis. Therefore, there will be some overlap in data between CY 2008 and FY 2009.

<sup>5</sup> The FY 2009 target for National Security Reviews of Foreign Acquisitions was not met because less cases were filed than anticipated.

<sup>6</sup> Due to changes in statute and shifting operational priorities, the target for FY 2010 FISA Minimization Reviews has been decreased from 31 to 35.

<sup>7</sup> The amount of days it may take to resolve a compliance matter involving another agency's non-compliance with relevant statutes, regulations, court orders, or court rules can be impacted by a variety of circumstances, mostly outside of the Office of Intelligence's control. Therefore the FY 2009 target was not met.

**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 Strengthen partnerships to prevent, deter, and respond to terrorist activities; 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		Projected		Changes		Requested (Total)	
		FY 2009		FY 2009		2010 Enacted		Current Services Adjustments and FY 2011 Program Change		FY 2011 Request	
Program Activity	Counterespionage	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		34	7,117	34	7,117	40	8,412	6	3,383	46	11,795
<b>Outcome Measure</b>	Percentage of CE cases favorably resolved	90%		98%		90%		0		90%	
<b>Output Measure</b>	FARA Inspections	14		14		15		0		15	
<b>Output Measure, discontinued</b>	Mitigation monitoring actions completed	100 <sup>8</sup>		112		120					
<b>Output Measure, new</b>	High priority national security reviews completed	NA		27		20		5		25	
<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%	
Program Activity	Counterterrorism	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		83	15,467	83	15,467	88	17,565	-2	1,502	86	19,067
<b>Outcome Measure</b>	Percentage of CT cases favorably resolved	90%		100%		90%		0		90%	
<b>Output Measure</b>	Percentage of international training needs met	65% (39 of 60)		78%		75% (45 of 60)		0		75% (45 of 60)	
<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%	
Program Activity	Strengthen Partnerships	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		N/A	N/A	N/A	N/A	6	619	0	39	6	658
<b>Output Measure</b>	Percent Increase in the Number of US Victims of Terrorism Identified Abroad <sup>9</sup>	480% (increase to 290)		300% (increase to 200)		100% (increase to 400)		100%		100% (increase to 800)	
<b>Efficiency Measure</b>	Percentage of victims provided with service and compensation information within 3 business days of victim response to OVT outreach <sup>10</sup>	80%		80%		80%		0%		80%	

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

<sup>8</sup> In 2009, mitigation monitoring actions completed will begin being measured on a fiscal year basis rather than calendar year. Therefore there will be some overlap in the data between CY 2008 and FY 2009.

<sup>9</sup> This measure was modified to more accurately measure the efficiency of OVT outreach.

<sup>10</sup> OVT intended to increase the number of US victims of terrorism identified from 50 in FY 2008 to 290 in FY 2009, a 480% increase. However, OVT fell short of its target because the planned tracking tool that would have expedited identification of victims has not yet been completed. This is also the reason for the decrease in the FY 2010 target from an increase of 530 victims identified to 400.

**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
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
<b>Performance Measure, discontinued</b>	FISA Minimization Reviews	N/A	N/A	N/A	N/A	CY 2007: 34	CY 2008: 31	CY 2009: 35	CY 2009: 35	CY 2010: 31 <sup>1</sup>	
<b>Performance Measure, discontinued</b>	National Security Reviews	N/A	N/A	N/A	N/A	CY 2007: 15	CY 2008: 15	CY 2009: 18	CY 2009: 18	CY 2010: 20	
<b>Performance Measure, New</b>	Intelligence Community Oversight Reviews	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	51	89
<b>Efficiency Measure, discontinued</b>	Percentage of FISA Emergency Applications Processed within 7 days	N/A	100%	100%	100%	100%	100%	100%	100%	100%	
<b>Efficiency Measure, discontinued</b>	Resolution of Compliance Matters	N/A	400 days	247 days	158 days	110 days	62 days	60 days	80 days <sup>2</sup>	60 days	
<b>OUTCOME Measure</b>	Percentage of CT cases favorably resolved	N/A	N/A	N/A	N/A	98%	97%	90%	100%	90%	90%
<b>Performance Measure</b>	Percentage of international training requests met	N/A	N/A	N/A	N/A	79% (27 of 34)	60% (30 of 50)	65% (39 of 60)	78%	75% (45 of 60)	75% (45 of 60)
<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%	99%	100%	99%	99%
<b>OUTCOME Measure</b>	Percentage of CE cases favorably resolved	N/A	N/A	N/A	N/A	96%	92%	90%	98%	90%	90%
<b>Performance Measure</b>	FARA inspections completed	N/A	N/A	N/A	N/A	0	13	14	14	15	15
<b>Performance Measure, discontinued</b>	Mitigation monitoring actions completed <sup>3</sup>	N/A	N/A	N/A	N/A	CY 2007: 13	CY 2008: 23	FY 2009: 100	FY 2009: 112	FY 2010: 120	
<b>Performance Measure, new</b>	High priority national security reviews completed	N/A	N/A	N/A	N/A	N/A	N/A	N/A	27	20	25
<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%	99%	100%	99%	99%
<b>Output Measure</b>	Percent Increase in the Number of US Victims of Terrorism Identified Abroad <sup>4</sup>	N/A	N/A	N/A	N/A	N/A	Baseline - 50	480%	300%	100%	100%
<b>Efficiency Measure</b>	Percentage of victims provided with service and compensation information within 3 business days of victim response to OVT outreach <sup>5</sup>	N/A	N/A	N/A	N/A	N/A	N/A	80%	80%	80%	80%

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

<sup>1</sup> Due to changes in statute and shifting operational priorities, the target for FY 2010 FISA Minimization Reviews has been decreased from 31 to 35.

<sup>2</sup> The amount of days it may take to resolve a compliance matter involving another agency's non-compliance with relevant statutes, regulations, court orders, or court rules can be impacted by a variety of circumstances, mostly outside of the Office of Intelligence's control. Therefore the FY 2009 target was not met.

<sup>3</sup> Mitigation monitoring actions has a broader definition in 2009 and 2010 than in previous years, and therefore there is a significant increase in the number of targeted mitigation monitoring actions completed. In addition, beginning in FY 2009, the data for this measure will be collected on a fiscal year basis. Therefore there will be some overlap in the data between CY 2008 and FY 2009.

<sup>4</sup> OVT intended to increase the number of US victims of terrorism identified from 50 in FY 2008 to 290 in FY 2009, a 480% increase. However, OVT fell short of its target because the planned tracking tool that would have expedited identification of victims has not yet been completed. This is also the reason for the decrease in the FY 2010 target from an increase of 530 victims identified to 400, because the planned tracking tool that would have expedited identification of victims has not yet been completed. Once the tool is operational, the numbers for this measure will increase substantially.

<sup>5</sup> This measure was modified to more accurately measure the efficiency of OVT outreach.

### 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. Within this Goal, the NSD resources address all four Objectives: 1.1 Prevent, disrupt, and defeat terrorist operations before they occur; 1.2 Strengthen partnerships to prevent, deter, and respond to terrorist incidents; 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 four objectives, performance resources are allocated to four program activities: Intelligence, Counterterrorism, Counterespionage, and Strengthen Partnerships.

#### a. Performance Plan and Report for Outcomes

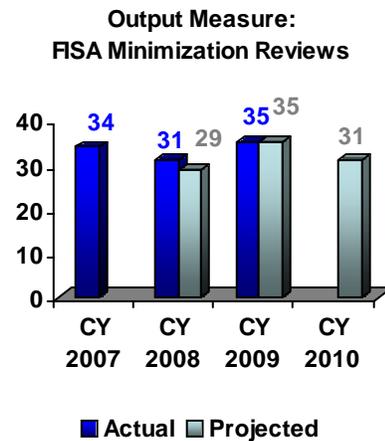
### Intelligence Performance Report

#### **Discontinued Measure: FISA Minimization Reviews**

**CY 2009 Target: 35**

**CY 2009 Actual: 35**

**Discussion:** NSD was able to achieve the target. New minimization procedures were implemented on October 1, 2007 that require the minimization reviews to be more resource intensive and therefore more labor hours are spent on each review. As a result, fewer reviews were completed in FY 2008 than in FY 2007. In addition, due to the changes in statute and shifting operational priorities, the FY 2010 target has been decreased from 35 to 31.



**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.

**Discontinued Measure: National Security Reviews**

**CY 2009 Target: 18**

**CY 2009 Actual: 18**

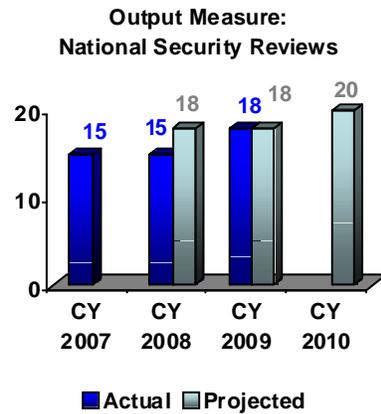
**Discussion:** NSD was able to achieve the target.

**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.



**New Measure: Intelligence Community Oversight Reviews**

**CY 2009 Target: NA**

**CY 2009 Actual: NA**

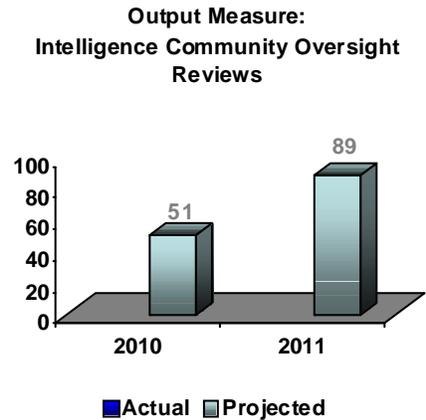
**Discussion: NA**

**Data Definition:** NSD attorneys are responsible for conducting oversight of certain activities of members of the United States Intelligence Community. The oversight process involves numerous site visits to review intelligence collection methods and compliance with parameters of pertinent legal authorities. Such oversight reviews require advance preparation, significant on-site time, as well as requiring follow-up and report drafting resources. These oversight reviews cover many diverse intelligence collection programs.

**Data Collection and Storage:** The information collected during each review is compiled into a report, which is then provided to the reviewed Agency.

**Data Validation and Verification:** Reports are reviewed by NSD management before being released.

**Data Limitations:** None identified at this time.



**Discontinued Measure: Percentage of FISA Emergency Applications Processed Within 7 Days\***

**CY 2009 Target: 100%**

**CY 2009 Actual: 100%**

**Discussion:** NSD was able to achieve the target.

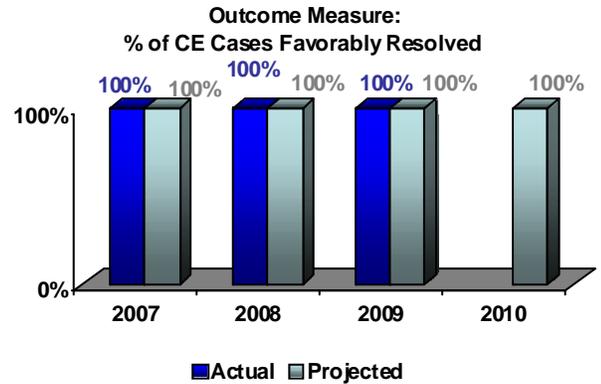
\*Policy dictates that FISA Emergency Applications must be processed within 7 days. This timeframe was previously 72 hours.

**Data Definition:** Percentage of applications prepared and filed within 7 days 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 Emergency 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.

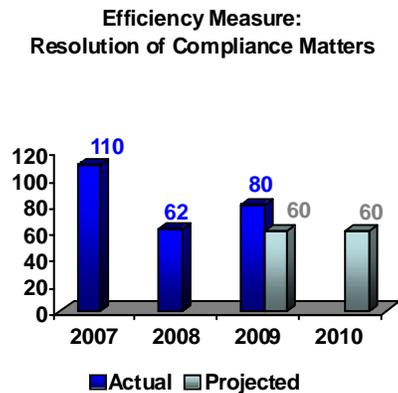


**Discontinued Measure: Resolution of Compliance Matters**

**CY 2009 Target: 60 days**

**CY 2009 Actual: 80 days**

**Discussion:** NSD was not able to achieve the target. Instead, in CY09, OI resolved compliance matters in an average of 80 days. The amount of days it may take to resolve a matter involving another agency's non-compliance with relevant statutes, regulations, court orders, or court rules can be impacted by a variety of circumstances, mostly outside of OI's control. However, during CY09, OI was notified of more compliance matters than in CY08, an increase of 26 percent. In addition, in CY09, OI resolved more compliance matters than had been resolved in CY08, an increase in 66 percent.



**Data Definition:** The number of days it takes from the opening of a compliance matter to the resolution of the compliance matter with a final notice. Compliance matters occur when an agency fails to comply with an order of the Foreign Intelligence Surveillance Court (FISC). A matter is opened when the Office Intelligence (OI) is notified by the agency regarding the possible non-compliance. OI reviews the matter and determines if FISC notification is necessary. If so, a preliminary notice is filed with the FISC. Resolution of the matter is complete when a final notice is filed with the FISC (possibly with materials for sequestration) after conducting appropriate investigation, or OI determines that a compliance incident did not occur.

**Data Collection and Storage:** Data collection and storage via Case Tracking.

**Data Validation and Verification:** Periodic verification by case managers and attorneys.

**Data Limitations:** None identified at this time.

## Counterespionage (CE) Performance Report

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

**FY 2009 Target: 90%**

**FY 2009 Actual: 98%**

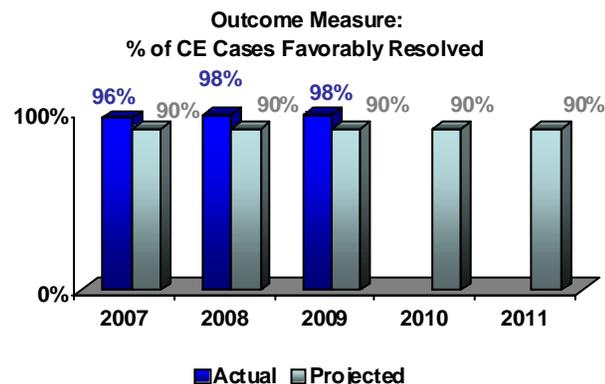
**Discussion:** NSD was able to achieve the target.

**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.



### Select Recent Counterespionage Prosecutions:

- **Tai Shen Kuo and Gregg William Bergersen:** (Eastern District of Virginia) -- In March and April 2008 respectively, Gregg Bergersen, a former Defense Department official, and Tai Shen Qu pleaded guilty to espionage violations for their roles in a conspiracy to provide national defense information, including classified information on U.S. military sales to Taiwan, to the People's Republic of China. Kuo was later sentenced to more than 15 years in prison, while Bergersen received a sentence of 57 months in prison.
- **Francisco Duran & Co-defendants:** (Southern District of Florida) -- In November 2008, Francisco Duran was convicted at trial of acting and conspiring to act as an illegal agent of the Venezuelan government. Three others, Moises Maionica, Rodolfo Wanseele Paciello and Carlos Kauffmann pleaded guilty for their efforts to secure the assistance of an individual in concealing the source and destination of, and the role of the government of Venezuela in, the intended delivery of an \$800,000 cash contribution to the political campaign of a then-Argentine presidential candidate. Duran was later sentenced to 48 months in prison and a \$175,000 fine. Kauffman was sentenced to 15 months and a \$25,000 fine, Maionica sentenced to 24 months, and Wanseele sentenced to 34 months.
- **Saubhe Jassim Al-Dellemy:** (District of Maryland) -- In December 2008, Saubhe Jassim Al-Dellemy pleaded guilty to conspiracy to act as an illegal agent of Iraq. Among other things, Al-Dellemy performed tasks for the Iraqi intelligence service at the Iraqi Embassy and at the Iraqi Interests Section in Washington, D.C., after the U.S. severed diplomatic relations with Iraq for invading Kuwait. Sentencing for Al-Dellemy is scheduled for February 2010.

- **Ben-Ami Kadish:** (Southern District of New York) -- In December 2008, Ben-Ami Kadish pleaded guilty to conspiracy to act as an unregistered agent of the Government of Israel. From 1980 through 1985, Kadish, a former U.S. Army employee, provided classified documents relating to the U.S. military – including some relating to U.S. missile defense systems – to an agent of the Government of Israel, Yossi Yagur, who photographed the documents at Kadish’s residence. In May 2009, Kadish (age 85) was fined \$50,000.
- **Roy Oakley:** (Eastern District of Tennessee) -- In January 2009, Roy Lynn Oakley pleaded guilty to unlawful disclosure of restricted data under the Atomic Energy Act in connection with his efforts to sell materials used in the production of highly enriched uranium to a foreign government. Oakley had worked as a contract employee at the East Tennessee Technology Park, in Oak Ridge, Tennessee, previously a Department of Energy facility that produced enriched uranium. In June 2009, Oakley was sentenced to 6 years in prison.
- **Harold and Nathaniel Nicholson:** (District of Oregon) -- In January 2009, Harold Nicholson, a former CIA employee convicted of espionage conspiracy in 1997, and his son Nathaniel, were indicted for acting as illegal agents for the Russian government and money laundering. Harold Nicholson, working through his son, allegedly received cash proceeds of his past espionage activities from, and passed information to, agents of the Russian Federation between 2006 and 2008. In August 2009, Nathaniel Nicholson pleaded guilty to conspiracy to act as agent of foreign government and conspiracy to commit money laundering. Sentencing for Nathaniel is scheduled for January 25, 2010.

#### **Select Recent Counterproliferation Prosecutions:**

- **Dongfan Chung:** (Central District of California) -- In February, 2008, Dongfan Chung, a former Boeing engineer, was arrested after being indicted on charges of economic espionage and acting as an unregistered foreign agent of the People’s Republic of China, for whom he allegedly stole Boeing trade secrets related to several aerospace and military programs, including the Space Shuttle, the Delta IV rocket program and the Air Force’s C-17 aircraft. The case is the first Economic Espionage Act prosecution to go to trial in the United States. On July 16, 2009, a bench verdict was issued convicting Dongfan Chung of multiple economic espionage crimes. Sentencing for Chung is scheduled for January 25, 2010.
- **Viktor Bout:** (Southern District of New York) -- In March 2008, a criminal complaint was unsealed charging Viktor Bout, an international arms dealer, and his associate Andrew Smulian with conspiring to provide millions of dollars of weapons, including surface-to-air missiles and armor piercing rocket launchers, to the Fuerzas Armadas Revolucionarias de Colombia (FARC), a designated foreign terrorist organization based in Colombia. Bout remains in custody in Thailand, pending extradition to the Southern District of New York.

- **Jilani Humayan:** (Southern District of New York) -- In June 2008, Jilani Humayun pleaded guilty to conspiracy to illegally export arms and to commit money laundering. Humayun illegally exported parts for F-5 and F-14 military fighter jets and Chinook helicopters, all of which are widely sought by Iran, to Malaysia.
- **Desmond Dinesh Frank:** (District of Massachusetts) -- In August 2008, Desmond Dinesh Frank, was sentenced to 23 months in prison after pleading guilty in May 2008 to several felonies in connection with a plot to illegally export military items, including C-130 military aircraft training equipment, to China and Iran.
- **J. Reece Roth & Co-defendants:** (Eastern District of Tennessee) -- In September 2008, J. Reece Roth, a former Professor Emeritus at the University of Tennessee, was convicted of illegally exporting to foreign nationals and to China military technical information relating to Unmanned Aerial Vehicles or “drones.” In August 2008, Atmospheric Glow Technologies, Inc. (AGT), a privately-held plasma technology company in Tennessee, also pleaded guilty to charges of illegally exporting U.S. military data about drones to a citizen of China. In April 2008, Daniel Max Sherman, a physicist who formerly worked at AGT, pleaded guilty to conspiracy to violate the Arms Export Control Act in connection with the investigation. In July 2009, Roth was sentenced to 48 months in prison. In August 2009, Sherman was sentenced to 14 months in prison.
- **Mayrow General Trading & Co-defendants:** (Southern District of Florida) -- In September 2008, Mayrow General Trading and 15 other defendants were charged with illegally exporting U.S.-origin electronics used in Improvised Explosive Devices (IEDs) to Iran via the United Arab Emirates and Malaysia. The defendants allegedly illegally exported to Iran U.S.-origin microcontrollers that have been found in IEDs in Iraq. Among other things, the indictment alleges the defendants illegally exported to Iran 345 Global Positioning Systems and 12,000 Microchip brand microcontrollers.
- **Qing Li:** (Southern District of California) -- In September 2008, Qing Li was sentenced to 12 months in prison for conspiracy to smuggle military-grade accelerometers from the United States to the People’s Republic of China. According to her June 2008 guilty plea, Li conspired to locate and procure for an individual in China as many as 30 military accelerometers, which have applications in smart bombs, missiles, and calibrating g-forces of nuclear explosions.
- **Shu Quan-Sheng:** (Eastern District of Virginia) -- In November, 2008, Shu Quan-Sheng pleaded guilty to a three-count criminal information charging him with illegally exporting space launch technical data and defense services to the People’s Republic of China and offering bribes to Chinese government officials. Shu provided China with assistance in the design and development of a cryogenic fueling system for space launch vehicles to be used at the heavy payload launch facility located in the southern island province of Hainan, China. She was later sentenced to 51 months in prison and a \$386,000 forfeiture.

- **Monzer al Kassar & Luis Moreno Godoy:** (Southern District of New York) -- In November 2008, Monzer Al Kassar and co-defendant Luis Felipe Moreno Godoy were convicted of several charges, including: conspiracy to provide material support to terrorists; conspiracy to kill U.S. nationals; conspiracy to kill U.S. officers or employees; and conspiracy to acquire and use an anti-aircraft missile. Both agreed to sell millions of dollars worth of surface-to-air missiles, rocket-propelled grenade launchers, ammunition, and machine guns to the Fuerzas Armadas Revolucionarias de Colombia, (FARC), a designated terrorist organization in Colombia. Al Kassar was later sentenced to 30 years imprisonment and Moreno was sentenced to 25 years imprisonment.
- **Shahrazad Mir Gholikhan:** (Southern District of Florida) --In December 2008, Shahrazad Mir Gholikhan was convicted on charges of brokering defense articles to Iran and other export violations in connection with an effort by her and her husband, Mahmoud Seif, to illegally procure 3,500 sets of Generation III military night vision goggles from the United States for Iran's military and police forces.
- **Hassan Saied Keshari:** (Southern District of Florida) -- In January 2009, Hassan Saied Keshari and his Novato, California company, Kesh Air International, pleaded guilty to charges of conspiring to illegally export military and commercial aircraft components, including parts for the CH-53 military helicopter, the F-14 Tomcat fighter jet, and the AH-1 attack helicopter, to Iran. Keshari procured U.S.-made military aircraft parts for buyers in Iran and illegally shipped the parts to a company in Dubai, UAE, for shipment to buyers in Iran.
- **William Chi-Wai Tsu:** (Central District of California) -- In March 2009, William Chi-Wai Tsu pleaded guilty to two counts of knowingly and willfully exporting export-controlled items to China after having illegally exported more than two hundred restricted U.S. electronic components to China. On August 3, 2009, Tsu was sentenced to forty months in prison.
- **Laura Wang-Woodford et al.:** (Eastern District of New York) -- In December 2007, Laura Wang-Woodford was charged by a superseding indictment with operating Jungda International Pte. Ltd., a Singapore-based successor to Monarch Aviation Pte. Ltd., in which she served as a director. According to the superseding indictment, between January 1998 and December 2007, the defendants exported controlled United States aircraft parts to Singapore and Malaysia and then re-exported those items to companies in Iran without obtaining the required United States government licenses. The superseding indictment further charged that the defendants arranged for the illegal export of United States military aircraft components, designed for use in Chinook military helicopters, to Singapore. On March 13, 2009, Wang-Woodford pleaded guilty to conspiring to violate the United States trade embargo by exporting controlled aircraft components to Iran. In November 2009, Wang-Woodford was sentenced to 46 months in prison. In addition, in conjunction with her

guilty plea, she agreed to forfeit \$500,000 to the United States Treasury Department. Co-Defendant Brian Woodford, her husband, who also served as chairman and managing director of Monarch Aviation Pte. Ltd., remains a fugitive.

**Measure: Targeted FARA Inspections Completed**

**FY 2009 Target: 14**

**FY 2009 Actual: 14**

**Discussion:** NSD was able to achieve the target.

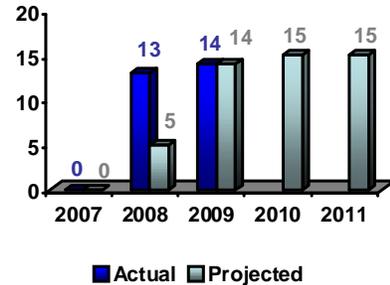
**Data Definition:** Targeted FARA Inspections are conducted routinely. There can also be additional inspections completed based on potential non-compliance issues. Inspections are just one tool used by the Unit to bring registrants into compliance with FARA.

**Data Collection and Storage:** 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

Output Measure:  
FARA Inspections Completed



**Discontinued Measure: Mitigation Monitoring Actions Completed**

**FY 2009 Target: 100**

**FY 2009 Actual: 112**

**Discussion:** NSD was able to achieve the target.

**Data Definition:** A Mitigation Monitoring Action includes full site visits, review of documents and reports submitted pursuant to mitigation agreements, and other methods of monitoring to ensure compliance with mitigation agreements to which DOJ and/or FBI is a party. Mitigation monitoring traditionally covers CFIUS as well as mitigation requirements generated via DOJ application reviews of foreign acquisitions impacting FCC licensing matters.\*

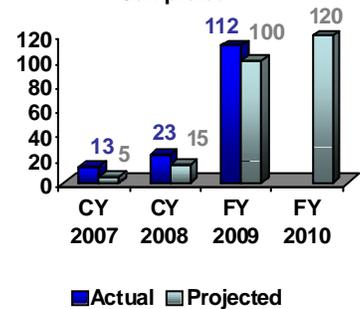
**Data Collection and Storage:** Data is collected manually and stored in generic files; however, the program manager is reviewing the possibility of utilizing a modified automated tracking system.

**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.

Note: Mitigation monitoring actions has a broader definition in 2009 and 2010 than in previous years, and therefore there is a significant increase in the number of targeted mitigation monitoring actions completed. In addition, data collection will be on a fiscal year basis beginning FY 2009. Therefore there will be some overlap in the data between CY 2008 and FY 2009.

Output Measure:  
Mitigation Monitoring Actions Completed



**New Measure: High Priority National Security Reviews Completed**

**FY 2009 Target: NA**

**FY 2009 Actual: 27**

**Discussion: NA**

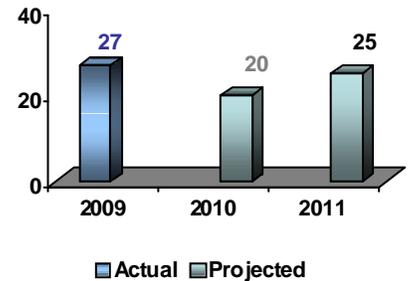
**Data Definition:** High Priority National Security Reviews include (1) CFIUS case reviews of transactions in which DOJ is a co-lead agency in CFIUS due to the potential impact on DOJ equities; (2) CFIUS case reviews which result in a mitigation agreement to which DOJ is a signatory; (3) Team Telecom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

**Output Measure:  
High Priority Foreign Investment  
Reviews Completed**



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

**FY 2009 Target: 99%**

**FY 2009 Actual: 100%**

**Discussion:** NSD was able to achieve the target.

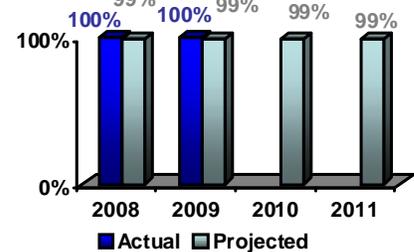
**Data Definition:** Classified information - information that has been determined by the United State Government pursuant to an Executive Order or statute to require protection against unauthorized disclosure for reasons of national defense or foreign relations, or any restricted data as defined by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



## Counterterrorism (CT) Performance Report

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

**FY 2009 Target: 90%**

**FY 2009 Actual: 100%**

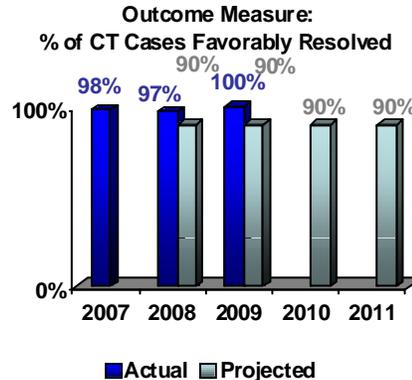
**Discussion:** NSD was able to achieve the target.

**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.



### Select Recent Counterterrorism Prosecutions:

- **Islamic American Relief Agency:** (Western District of Missouri) -- In October 2008, a grand jury returned a superseding indictment charging the Islamic American Relief Agency and several of its former officers with illegally transferring money to Iraq, money laundering, obstructing the IRS, and engaging in prohibited financial transactions for the benefit of U.S.-designated terrorist Gulbuddin Hekmatyar. The indictment also charges former U.S. Congressman Mark Deli Siljander with theft of public money, money laundering, and obstruction of justice. The charges relating to transactions involving Iraq and Siljander have been severed from the charges relating to transactions involving Hekmatyar. A trial on the Iraq and Siljander related charges is scheduled for July 2010.
- **Mohammed Jabarah:** (Southern District of New York) -- In January 2008, Mohammed Jabarah, an admitted al-Qaeda member, was sentenced to life in prison after pleading guilty to terrorism charges stemming from his participation in a plot to bomb U.S. Embassies in Singapore and the Philippines in 2001.
- **Christopher Paul:** (Southern District of Ohio) -- In June 2008, Christopher Paul pleaded guilty to conspiring with members of a German terrorist cell to use explosive devices against Americans vacationing at foreign tourist resorts and against Americans in the United States, as well as against U.S. embassies, diplomatic premises and military bases in Europe. Paul was sentenced to 20 years in prison.
- **Ahmed Mohamed:** (Middle District of Florida) -- In June 2008, Ahmed Abdellatif Sherif Mohamed pleaded guilty to providing material support to terrorists after agents found explosives materials in his vehicle and a video he distributed via the Internet demonstrating how to remotely detonate explosive devices. Mohamed was later sentenced to 15 years in prison.

- **Toledo Cell:** (Northern District of Ohio) -- In June 2008, a jury convicted Mohammed Zaki Amawi, Marwan El-Hindi and Wassim Mazloun of conspiracy to kill or maim U.S. troops in Iraq and conspiracy to provide material support to terrorists. Amawi and El-Hindi were each also convicted of two counts of distributing information regarding explosives, including suicide bomb vests and Improvised Explosive Devices. In October 2009, Amawi was sentenced to 20 years in prison, El-Hindi was sentenced to 13 years in prison and Mazloun was sentenced to 8 years in prison.
- **Derrick Shareef:** (Northern District of Illinois) -- In September 2008, Derrick Shareef was sentenced to 35 years in prison after pleading guilty to planning to set off grenades at an Illinois shopping mall during the Christmas shopping season.
- **Holy Land Foundation:** (Northern District of Texas) -- In November 2008, the Holy Land Foundation for Relief and Development and five of its leaders were convicted of providing material support to the Hamas terror organization in connection with their efforts to raise and funnel approximately \$12.4 million to the Hamas terror organization under the guise of charitable donations. In May 2009, Shukri Abu Baker and Ghassan Elashi were sentenced to 65 years in prison. Mohammad El-Mezzain and Abdulrahman Odeh were sentenced to 15 years in prison. Mufid Abdulqader was sentenced to 20 years in prison.
- **Fort Dix Plot:** (District of New Jersey) -- In December 2008, a jury convicted five individuals, Mohamad Ibrahim Shnewer, brothers Dritan Duka, Shain Duka and Eljvir Duka and Serdar Tatar, on charges that they conspired to kill members of the U.S. military at Fort Dix, New Jersey. The defendants' arrests occurred in May 2007, as Dritan and Shain Duka were meeting a confidential government witness to purchase four automatic M-16 rifles and three semi-automatic AK-47 rifles to be used in a future attack on military personnel. The other defendants were arrested at various locations at about the same time. In April 2009, Shnewer and Dritan and Shain Duka were each sentenced to life in prison plus 30 years to run consecutively. Eljvir Duka was sentenced to life in prison. Tatar was sentenced to 33 years in prison.
- **Ahmed Cousins:** (Northern District of Ohio) -- In January 2009, Chicago residents and cousins, Zubair Ahmed and Khaleel Ahmed, pleaded guilty to conspiracy to provide material support to terrorists in connection with their efforts to travel abroad in order to murder or maim U.S. military forces in Iraq or Afghanistan. As of January 2010, the defendants have not yet been sentenced.
- **Tamil Tiger Prosecution:** (Eastern District of New York) -- In January 2009, four defendants, Thiruthanikan Thanigasalam, Sahilal Sabaratnam, Sathajhan Sarachandran and Yogarasa Nadarasa, pleaded guilty to terrorism violations in connection with their efforts to acquire surface-to-air missiles, missile launchers and hundreds of assault rifles for the Liberation Tigers of Tamil Eelam, a designated terrorist organization. Sentencing has been scheduled for January 22, 2010.
- **Wesam al-Delaema:** (District of Columbia) -- In February 2009, Wesam al-Delaema pleaded guilty to conspiring with others to murder Americans overseas, including by planting roadside bombs targeting U.S. soldiers in Iraq, and by demonstrating on video

how these explosives would be detonated to destroy American vehicles and their occupants. Delaema also pleaded guilty to assaulting a prison guard while in custody in the District of Columbia. On April 16, 2009, the defendant was sentenced to 25 years in prison. Delaema will serve his sentence in the Netherlands and will be resentenced there. On April 22, 2009, he filed an appeal with regard to his sentencing in the DC Circuit Court of Appeals. On November 3, 2009, the United States Court of Appeals for the District of Columbia granted the appellant's motion to dismiss the appeal.

- **Rahmat Abdhir:** (Northern District of California) -- In March 2009, Rahmat Abdhir pleaded guilty to one count of providing material support to terrorists. Abdhir provided goods, including two-way radios of the same type as used in improvised explosive devices, to his brother and co-defendant, Zulkifli Abdhir, a Specially Designated Terrorist. The indictment, filed August 2, 2007 also charged Rahmat Abdhir with 13 counts of contributing goods and services to a Specially Designated Global Terrorist, and a single count of making a false material statement for falsifying a customs declaration in connection with a shipment he made to Zulkifli in June 2007. A sentencing date has not yet been set.
- **Ali al-Marri:** (Central District of Illinois) -- In April 2009, Ali Selah Kahlah al-Marri pleaded to guilty to providing material support to al-Qaeda and conspiring with others to provide material support to al-Qaeda. On October 29, 2009, al-Marri was sentenced to 100 months imprisonment and 3 years of supervised release.
- **Ehsanul Islam Sadequee:** (Northern District of Georgia) -- In December 2008, a federal grand jury returned a superseding indictment against Ehsanul Islam Sadequee and Syed Haris Ahmed. The superseding indictment charged Sadequee and Ahmed with conspiring to provide, providing and attempting to provide material support to terrorists as well as conspiring to provide and attempting to provide material support to Lashkar-e-Tayyiba, a designated foreign terrorist organization. On June 10, 2009, Ahmed was found guilty by bench trial of conspiring to provide material support to terrorists. In August 2009, Sadequee's jury trial ended in a guilty verdict. On December 14, 2009, Sadequee was sentenced to 17 years in prison and 30 years of supervised release. The Court also sentenced Ahmed to 13 years in prison.
- **Kobie D. Williams:** (Southern District of Texas) -- On November 28, 2006, in the Southern District of Texas, Kobie Diallo Williams pleaded guilty to conspiracy to provide firearms to non-U.S. persons. Williams and his co-defendant Adnan Mirza provided personnel and currency to the Taliban and conspired to commit firearms violations. According to the indictment, Williams and Mirza agreed to travel to Afghanistan to fight with the Taliban and engage in "battlefield jihad." In furtherance of their plan, they met at various shooting ranges with other individuals and engaged in firearms training even though Williams and Mirza were prohibited from handling firearms and ammunition due to their status as non-immigrant student visa holders. Jury trial is scheduled for Mirza on May 24, 2010. Williams was sentenced to 54 months in prison, 3 years of supervised release and a \$5,000 fine on August 7, 2009.

**Measure: Percentage of International Training Needs Met**

**FY 2009 Target: 65%**

**FY 2009 Actual: 78% (47 of 60)**

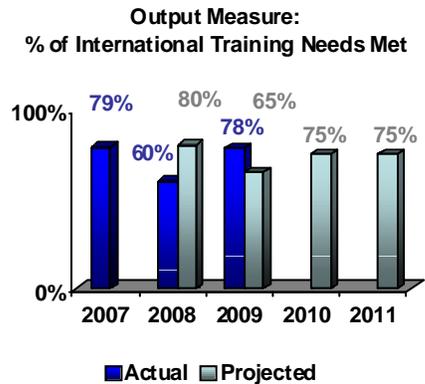
**Discussion:** NSD was able to achieve the target.

**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 2009 Target: 99%**

**FY 2009 Actual: 100%**

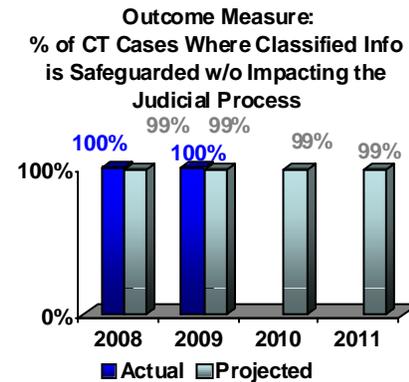
**Discussion:** NSD was able to achieve the target.

**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.



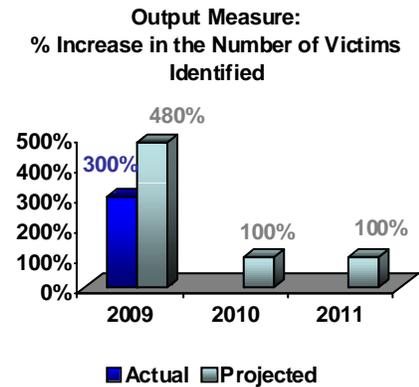
## Strengthen Partnerships Performance Report

### Measure: **Percent Increase in the Number of U.S. Victims of Terrorism Identified**

**FY 2009 Target: 480%**

**FY 2009 Actual: 300% (increase to 200)\***

**Discussion:** NSD was not able to achieve the target because the planned tracking tool that would have expedited identification of victims has not yet been completed. Once the tool is operational, the numbers for this measure will increase substantially. This is also the reason for a decrease in the FY 2010 target from an increase to 530 to an increase to 400.



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

**Data Collection and Storage:** Data collection and storage is currently manual on a case by case basis. A database is under development.

**Data Validation and Verification:** Validation procedures will be established during database system design.

**Data Limitations:** Victim identification is a program challenge. The victim count is therefore significantly below anticipated levels.

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

**FY 2009 Target: 80%**

**FY 2009 Actual: 80%**

**Discussion:** NSD was able to achieve the target.

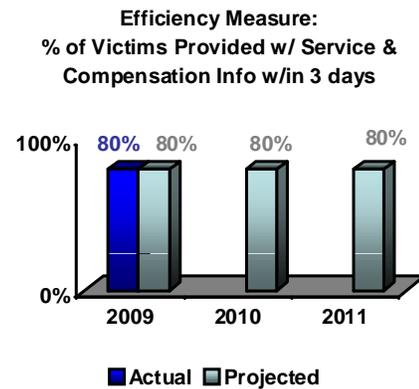
\* This measure was modified to more accurately measure the efficiency of OVT outreach.

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

**Data Collection and Storage:** Data collection and storage is currently manual on a case by case basis. A database is under development.

**Data Validation and Verification:** Validation procedures will be established during database system design.

**Data Limitations:** None.



## V. Program Increases by Item

### A. Intelligence Oversight and Litigation

**Item Name:** Intelligence Oversight and Litigation

Budget Decision Unit: National Security Division

Strategic Goal & Objective: 1 - Prevent Terrorism and Promote the Nation's Security  
1.1 - Prevent, disrupt, and defeat terrorist operations before they occur.

Organizational Program: Office of Intelligence

Component Ranking of Item: 1

Program Increase: Positions 8 Atty 5 FTE 4 Dollars \$1,118,180

#### Description of Item

This request provides an additional 8 positions to NSD's Office of Intelligence (OI). Including 5 attorneys, 1 paralegal, and 1 support position for OI's Oversight Section, and 1 paralegal position for OI's Litigation Section.

#### Justification

This NSD request for enhanced resources to support increased FISA and intelligence oversight staffing is based on (1) the Department's experience over the past five years; (2) the impact of the FBI's reorganization of its national security activities into a National Security Branch and substantial increases in the number of its personnel who work on counterterrorism and counterintelligence investigations; (3) current and projected increased demand for FISA collection from other parts of the Intelligence Community; (4) increased oversight responsibilities related to National Security Letters; (5) increased oversight responsibilities related to Section 702 of FISA; and (6) other intelligence collection activities. These changes collectively create a significantly growing oversight workload that requires additional resources to properly fulfill.

*Recent Growth of Intelligence Use:* First, the NSD is at the forefront of a period of dramatic change for the Department and the Intelligence Community, during which time the robust and enhanced use of intelligence has become a critical tool in fighting the war on terror. Since 9/11, the volume and intensity of FISA processing and the related oversight workload has increased substantially, requiring continuous improvements on all fronts. FISA, as amended, has proven to be one of the most critical tools in combating terrorism, and OI oversees the Department's implementation of that Act. However, much work needs to be done to continue that success and it is to that end that OI's requested oversight enhancements are aimed.

*Increased Need for Oversight: Second,* with increased resources OI will be in a better position to help the operations components of the Intelligence Community on a programmatic basis. Previously, OI had largely focused its attention on drafting FISA applications and presenting those applications to the Foreign Intelligence Surveillance Court (FISC) for approval. Given the large volume of incoming FISA requests and the historic understaffing of the office, it was very difficult for OI attorneys to have a more proactive, forward looking involvement with the other agencies. OI anticipates, however, that increased resources will enable OI attorneys to help these agencies avoid mistakes that could lead to significant compliance problems, including compliance incidents subject to reporting requirements to the FISC or, potentially, the Intelligence Oversight Board and Congress.

*Increased Demand for FISA Collection in the Intelligence Community Generally: Third,* new changes in the FISA statute brought about by the FISA Amendments Act of 2008 also significantly increased OI's role in the oversight of certain activities of Intelligence Community agencies. OI's Oversight Section plays an important part in these efforts, which include regular reviews at these agencies and the preparation of reports. We expect this enhanced oversight role to only grow in the future.

*Oversight of the National Security Review Program: Fourth,* building on the oversight capacity of OI is the new National Security Review program, designed to evaluate, inter alia, the FBI's use of National Security Letters (NSLs). In March 2007, the Department's Office of the Inspector General (OIG) released a report identifying several areas of inadequate auditing and oversight of the use of NSLs, as well as the use of inappropriate processes. The OIG made specific recommendations to correct the problems they identified in the FBI's use of NSLs. In response to the report, the Attorney General ordered the NSD to put in place a review process to ensure greater oversight and controls over the use of NSLs.

The NSD has expanded the scope of those reviews beyond NSLs to ensure greater oversight over all intelligence activities for which the Department has responsibility. For example, under the National Security Review program, OI is also responsible for President's Intelligence Oversight Board (PIOB) violations as well as the predicate for opening national security investigations. This program also tasks OI with ensuring the FBI's compliance with applicable legal requirements and any other Attorney General intelligence collection guidelines, present and future. In April 2007, OI's Oversight Section began conducting these national security reviews in FBI field offices and expects to continue to refine the nature and substance of these reviews.<sup>1</sup> OI was tasked to undertake this expanded oversight responsibility and make timely reports to the Attorney General about the results of these reviews.

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1. OI conducted 15 reviews in FY 2007, 15 reviews in FY 2008, and 18 reviews in FBI field offices in FY 2009. It is anticipated that the scope and frequency of these reviews will expand.

*Oversight of FISA Section 702: Fifth*, in the past year, NSD's OI Oversight Section with the Office of the Director of National Intelligence (ODNI) assumed oversight of Section 702 of FISA. Section 702 permits the Attorney General and the Director of National Intelligence to jointly authorize the targeting of non-United States persons reasonably believed to be outside the United States to acquire foreign intelligence information. This targeting must comply with the FISA court's targeting procedures and the acquisition, retention, and dissemination of any Section 702-acquired information must comply with FISC-approved minimization procedures. We also report to Congress about our findings, including preparing lengthy and detailed semi-annual summaries.

*Other Intelligence Collection Activities: Sixth*, OI's Oversight Section continues to expand the number of FISA minimization reviews it conducts. These reviews are aimed primarily at ensuring that FISA-derived information pertaining to United States persons is being handled properly and that what is kept and used by the government is limited to foreign intelligence information. In 2008, OI conducted 31 minimization reviews. These reviews are becoming increasingly complex and time-consuming because of a growing interest shared by the Department, the Foreign Intelligence Surveillance Court and Congress in how FISA-derived information is being marked, used, retained and disseminated by the FBI and other members of the United States intelligence community. OI's Oversight Section continues to conduct frequent and vigorous oversight over the CIA and NSA and how these agencies handle FISA-derived information. Thus, OI oversight attorneys will be expending even more of their stretched time conducting minimization reviews.

Moreover, the new FISA legislation signed into law on July 10, 2008 includes substantial new oversight obligations for NSD. NSD, through OI's Oversight section, newly has assumed the oversight of three highly classified programs.

Fulfillment of these multiple complex oversight responsibilities is one of OI's most important functions. To properly discharge this function involves significant increased oversight and compliance responsibilities, which, in turn, requires increased staff resources in the OI Oversight Section to achieve.

OI's Litigation Section requests 1 paralegal.

The OI Litigation Section's responsibility in overseeing the use of FISA-derived information in criminal, civil and other proceedings has increased dramatically since 2001, with an over fourfold increase in use authorization requests over the last eight years. Currently, the OI Litigation Section is averaging approximately 65 requests per year for Attorney General authorization to use FISA-obtained or -derived information in criminal, civil and other proceedings. Litigation Section attorneys not only process the use requests and make recommendations to the Attorney General, but, once authorization has been granted, they also assist prosecutors in criminal cases with drafting all of the necessary court pleadings and preparing for any resulting hearings. Aside from their role in overseeing the use of FISA-derived information in court proceedings, the attorneys in OI's Litigation Section review requests from the FBI relating to certain funding requirements for its foreign intelligence undercover operations and prepare all necessary

paperwork for approval of such funding by the Attorney General. The OI Litigation Section also has a review and concur function for all paperwork prepared by CES and CTS authorizing FBI agents or confidential human sources to engage in otherwise illegal activities prior to such paperwork being submitted to the Attorney General for approval. Over the last year, there has been a notable increase in requests from the FBI for approval of undercover operations and a growing complexity of many of these operations. Currently, OI is averaging approximately 80 undercover operation requests per year. We expect these trends to continue in the future. To support the OI litigation attorneys, OI seeks one paralegal to assist with tracking and compiling the increasing number of classified filings and other related administrative and paralegal duties relating to these increases.

### Impact on Performance

OI's daily activities in support of the Intelligence Community include the preparation and filing of pen register/trap and trace applications, requests for the production of tangible things, and requests for statutory exemptions related to undercover operations and the conduct of otherwise illegal activities as allowed by law. They also include handling requests for Attorney General authorization to use FISA information in criminal and civil proceedings, authorizations for certain intelligence activities under Executive Order 12333, and, as described above, an extensive oversight and advisory role within the Intelligence Community that continues to grow. These additional resources will better enable OI to meet an ever-increasing workload that directly relates to the Department's highest priority: Prevent Terrorism and Promote the Nation's Security.

## Funding

### Base Funding

FY 2009 Enacted (w/resc./supps)				FY 2010 Enacted				FY 2011 Current Services			
Pos	Atty	FTE	(\$000)	Pos	Atty	FTE	(\$000)	Pos	Atty	FTE	(\$000)
160	134	160	\$47,503	160	134	160	\$50,068	160	134	160	\$52,543

### Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2011 Request (\$000)	FY 2012 Net Annualization (change from 2011) (\$000)
Attorney (GS-15)	\$169	5	\$845	\$350
Paralegal (GS-9)	100	2	200	30
Admin Support (GS-7)	73	1	73	24
<b>Total Personnel</b>		<b>8</b>	<b>\$1,118</b>	<b>\$404</b>

### Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2011 Request (\$000)	FY 2012 Net Annualization (Change from 2011) (\$000)
			\$0	\$0
<b>Total Non-Personnel</b>			<b>\$0</b>	<b>\$0</b>

### Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2012 Net Annualization (Change from 2011) (\$000)
Current Services	160	134	160	\$52,543	\$0	\$52,543	\$52,543
Increases	8	5	4	1,118	0	1,118	\$404
<b>Grand Total</b>	<b>168</b>	<b>139</b>	<b>164</b>	<b>\$53,661</b>	<b>\$0</b>	<b>\$53,661</b>	<b>\$52,947</b>

## **B. Counterterrorism Investigation and Prosecution**

**Item Name:** Counterterrorism Investigation and Prosecution

Budget Decision Unit: National Security Division

Strategic Goal & Objective: 1.3 Prosecute those who have committed, or intend to commit, terrorist acts in the United States.

Organizational Program: Counterterrorism Section

Component Ranking: 2

Program Increase: Positions 3 Atty 1 FTE 1 Dollars \$417,998

### Description of Item

This request provides an additional 1 attorney and 2 intelligence research specialist positions to NSD's Counterterrorism Section.

### Justification

The NSD's Counterterrorism Section (CTS) requests additional prosecutors to strengthen its investigative and prosecutorial capabilities in order to more effectively identify, track, and prevent terrorist cells from operating in the United States and overseas by further developing and maintaining a cadre of terrorism expert prosecutors consistent with the Attorney General's priorities. Protecting our Nation by preventing future acts of terrorism remains the Department's number one priority and CTS directs all its resources to achieve this goal. The increasing use by terrorists of advances in technology, particularly the internet, and compartmented cells to recruit, radicalize, raise funds, train, plan, communicate, and carry out terrorist acts requires CTS to enhance its prosecutorial capabilities so that it can adequately staff increasingly sophisticated and complex investigations and prosecutions and keep pace with current and future workloads.

### Prosecutorial and Investigative Resources:

NSD needs additional resources to prosecute increasingly complex terrorism cases. These funds are also needed so that CTS can comprehensively assist the FBI in investigating domestic and international terrorism as well as terrorist financing and other forms of material support to terrorism.<sup>2</sup> Only with additional resources will CTS be able to fully realize the full value of law enforcement tools and legislative changes in information-sharing rules and legal authorities.

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2. As part of these prosecutorial efforts, these new resources will also allow CTS to continue its focus on explosive devices, expertise, and prosecutorial capabilities to prevent terrorists from obtaining and utilizing these weapons.

Additional resources are also needed to continue our work with the FBI's International Terrorism Operations Sections and their Terrorist Financing Operations Section, as well as our field components, on cutting edge investigative strategies and initiatives that fully utilize the legislative clarifications and expanded jurisdiction provided by the Intelligence Reform and Terrorism Prevention Act of 2004 and the USA PATRIOT Improvement and Reauthorization Act. These resources will be also used to provide guidance and assistance to U.S. Attorneys' Offices on charging strategy, declassification of intelligence information, discovery, motion practice and litigation, as well as computerized litigation support.

Additionally, CTS is increasingly focused on more complex and resource-intensive terrorism investigations. Such complex investigations include the investigation and prosecution of fraudulent schemes to obtain government benefits - such as citizenship and tax-exempt status for an organization - while concealing associations with terrorist organizations or persons. Intensive and comprehensive investigation of these schemes in turn allows counterterrorism prosecutors and officials the option to bring a range of criminal charges at an early stage of terrorist planning. Having these criminal law options available both prevents the terror event while minimizing the need to disclose sensitive sources and methods. Necessarily, however, these complicated investigations and prosecutions are characterized by a large number of documents that require significant expenditures for litigation support as well as teams of attorneys and support staff to properly organize, review and analyse the discovered materials. CTS require additional resources to properly staff the growing number of these complex cases. Each complex case typically requires staffing by between two and four CTS attorneys.

Finally, terrorism prosecutions are becoming increasingly international. In the past year, CTS worked extensively with European partners on truly international terrorism investigations. CTS aids foreign partners in those partners' own prosecutorial efforts rather than working simply to ensure a U.S. prosecution. At the same time, foreign prosecutors, for example, the Dutch in Deleama, have worked to bring prosecutable cases to U.S. prosecutors. CTS is also working extensively with foreign partners and with the National Counterterrorism Center to be able to fight the flow of Al Qaeda and other fighters from theatres such as Iraq into Western Europe and the United States. Though, in many instances, a U.S. prosecution is never brought the success of a foreign case -- often due in large part to CTS assistance -- has meaningfully increased international security. Without additional resources, this growing part of the NSD's international counterterrorism strategy cannot be fully realized.

Terrorists increasingly use modern communication and information technology to disseminate terrorist propaganda, recruit new members, plan terrorist acts, and execute those acts. Current internet applications - including chat rooms, instant messaging and e-mail - along with its multimedia capabilities - including audio and video streaming, blogs and newsrooms - are accessible at a low cost and therefore facilitate these abusive uses by terrorists.

Currently, we combat these efforts primarily by drawing upon the expertise of the Criminal Division's Computer Crimes and Intellectual Property Section. However, CTS requires in-house

tools to investigate and prosecute these abuses of modern technologies while at the same time scrupulously respecting the fundamental freedom of expression because the number of undercover operations using both traditional criminal tools as well as FISA-related tools to combat the use of internet applications for terrorism purposes is steadily increasing. That growth is expected to continue. These additional resources will allow NSD to disrupt terrorist networks through targeted investigations and prosecution, notwithstanding the use of these new technologies by terrorists.

### **Intelligence Specialists:**

CTS requests two intelligence specialists to balance its prosecutorial responsibilities with its increased intelligence obligations. These intelligence specialists will review and analyze large amounts of intelligence data and financial records. This research will enable us to be proactive in developing leads, investigative plans and strategies in close coordination with investigative agents and terrorism prosecutors. In today's threat environment, having the right information at the right time is essential to protecting national security.

In addition, intelligence specialists in CTS would provide national guidance to intelligence specialists located in the U.S. Attorneys' Offices. As a resource for the field, CTS could jump-start investigations by developing terrorism, counter-proliferation, and other national security leads (such as terrorist financing, narcotic trafficking, money laundering, and immigration fraud).

Having two intelligence specialists will enhance CTS's ability to absorb the increasing volume of intelligence material and threat information that is sent from the FBI and other agencies. CTS reviews and passes on to the Anti-Terrorism Advisory Council (ATAC) Coordinators, as appropriate, intelligence reports and threat information pertinent to their investigations and districts. An intelligence specialist at CTS would serve as the initial point of contact for intelligence material and threat information, and could establish lines of communication with the reporting agencies to obtain supplemental information when needed. The intelligence specialists could also generate meaningful intelligence summaries, create link analyses, and cull information in reports that highlights items of particular significance to matters within CTS.

### **Impact on Performance**

As described above, the request for resources for CTS relates directly to the Department's highest priority: Prevent Terrorism and Promote the Nation's Security. It is imperative to national security that CTS be able to meet increasing anti-terrorism demands. Additional CTS resources will enable attorneys to more effectively identify, track, and prevent terrorist cells from operating in the United States and overseas. These additional resources will also allow CTS to enhance its efforts to combat the increasing use of advanced technology, particularly the internet, by terrorist organizations.

## Funding

### Base Funding

FY 2009 Enacted (w/resc./supps)				FY 2010 Enacted				FY 2011 Current Services			
Pos	Atty	FTE	(\$000)	Pos	Atty	FTE	(\$000)	Pos	Atty	FTE	(\$000)
71	53	71	12,954	71	53	71	13,595	71	53	71	\$14,696

### Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2011 Request (\$000)	FY 2012 Net Annualization (change from 2011) (\$000)
Attorney (GS-15)	\$169	1	\$169	\$70
Intelligence Research Specialist (GS-13)	125	2	249	94
<b>Total Personnel</b>		<b>3</b>	<b>\$418</b>	<b>\$164</b>

### Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2011 Request (\$000)	FY 2012 Net Annualization (Change from 2011) (\$000)
<b>Total Non-Personnel</b>			<b>\$0</b>	<b>\$0</b>

### Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2012 Net Annualization (Change from 2011) (\$000)
Current Services	71	53	71	\$14,696	\$0	\$14,696	\$14,696
Increases	3	1	1	418	0	418	164
<b>Grand Total</b>	<b>74</b>	<b>54</b>	<b>72</b>	<b>\$15,114</b>	<b>\$0</b>	<b>\$15,114</b>	<b>\$14,860</b>

### C. Foreign Investment Review

**Item Name:** Foreign Investment Review

Budget Decision Unit: National Security Division

Strategic Goal & Objective: 1 - Prevent Terrorism and Promote the Nation's Security  
1.4 - Combat espionage against the United States

Organizational Program: Foreign Investment Review Staff

Component Ranking of Item: 3

Program Increase: Positions 6 Atty 5 FTE 4 Dollars \$2,235,000

This request will provide five attorneys as well as one paralegal position in order to allow NSD to meet its increasing responsibilities as the Department's representative on the Committee on Foreign Investment in the United States (CFIUS). CFIUS reviews foreign acquisitions of domestic entities affecting national security and makes recommendations to the President whether such transactions should be allowed to proceed or, if they have already occurred, should be undone. The NSD also has newly acquired responsibilities in connection with similar national security reviews for transactions referred by the Federal Communications Commission (FCC). Those responsibilities transferred to NSD from the Criminal Division in October 2007.

This requested enhancement also will provide contractor support for technical/expert requirements associated with NSD's CFIUS responsibilities on behalf of the Department, including five Communications Assistance for Law Enforcement (CALEA) experienced engineers, two technical/expert advisors, and one project manager.

#### Justification

Until April 2007, the Department addressed its CFIUS responsibilities through assignments to individual attorneys. In April of 2007, however, NSD began to stand up a more organized effort aimed at meeting the increasing demands of the Department's CFIUS responsibilities and recent Congressional initiatives. Additional Department resources, including attorneys, professional staff, and support personnel, must be allocated to handle these responsibilities in a dedicated and integrated fashion. The Nation's security is directly related to the ability of the United States to protect its sensitive technologies and critical infrastructure from foreign control. In addition, it is the responsibility of the Department to use its position as a CFIUS member agency to ensure that no transaction is structured so as to allow funds generated by such U.S. assets to be siphoned off through a foreign owner to fund international terrorism. The NSD needs sufficient resources to ensure that these critical functions are properly executed.

CFIUS is a multi-agency group originally established by Executive Order (E.O.) 11858 in 1975 to monitor and evaluate the impact of foreign investment in the United States. CFIUS investigates acquisitions of U.S. companies by foreign persons in order to determine the effects of the acquisition on national security. As the Department's representative on CFIUS, the NSD, with FBI support, is required to participate in the following processes for all transactions before CFIUS:

- (1) **30-day Review**: Review and make recommendations to either the Deputy Attorney General (DAG) or the Assistant Attorney General for National Security (AAG) to either clear within the initial 30-day review period or open an expanded 45-day investigation of transactions voluntarily filed with CFIUS;<sup>3</sup>
- (2) **45-day Investigation**: Conduct any necessary 45-day investigations for such transactions;
- (3) **Mitigation Agreements**: Negotiate, draft and review for recommendation to the DAG and/or AAG various forms of mitigation agreements for transactions which can only be cleared with temporary or permanent monitoring by DOJ/FBI and/or other CFIUS agencies;
- (4) **Presidential Decisions**: In certain matters, continue the CFIUS process through to a decision by CFIUS Principals/Deputies, including appropriate recommendations to the President;
- (5) **Mitigation Agreements - Monitoring**: Monitor all mitigation agreements to which DOJ and/or FBI is a party; and
- (6) **Incident Investigations**: Coordinate and supervise, as appropriate, any investigations of security incidents or breaches of mitigation agreements.

In addition to staffing these required processes and responding to periodic legislative initiatives from other CFIUS agencies, Congress, and the public, NSD also must discharge its counterintelligence and counterterrorism responsibilities by bringing before CFIUS non-notified transactions that impact national security concerns but were not voluntarily filed with CFIUS.<sup>4</sup> The NSD, with the assistance of the FBI, is responsible for accessing all sources available to the DOJ and FBI to identify transactions which require CFIUS consideration but which have not been filed. DOJ and FBI will refer such transactions to CFIUS with the results of the DOJ and FBI investigation and reasons justifying a CFIUS review. If such a matter is brought before CFIUS either through a subsequent voluntary filing by the company or a review is unilaterally initiated by CFIUS, NSD is responsible for reviewing and making recommendations to the Deputy Attorney General to either clear the transaction within the initial 30-day review period or open an expanded 45-day investigation of such a transaction.

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3. FINSA allows the Attorney General to delegate certain decisions regarding foreign investment reviews and investigations to the AAG while others may only be delegated to the DAG.

4. FINSA allows CFIUS to unilaterally initiate a review of certain transactions which have not been voluntarily filed by the parties to the transaction. Because only a fraction of foreign acquisitions are voluntarily notified to CFIUS, it is essential that CFIUS agencies identify non-notified transactions that may raise national security considerations.

In recent years, CFIUS filings have increased dramatically, nearly doubling in 2006 following the concerns raised after the Dubai Ports World transaction in 2005. In addition to an increase in the number of transactions voluntarily filed with CFIUS, the number of transactions requiring a full 45-day investigation has also dramatically increased in recent years and the number of transactions requiring mitigation agreements has risen sharply.

#### Foreign Investment Review Staff

NSD has made significant progress in meeting DOJ's increasing CFIUS workload. Initially, responsibility for oversight and management of the DOJ/FBI CFIUS program was vested in a designated Counsel to the Assistant Attorney General. In June 2008, the NSD CFIUS team was designated as the Foreign Investment Review Staff (FIRS) and its head designated as its Director. The Director and five full-time NSD staff attorneys detailed from other NSD sections handle the majority of voluntary filings, supervise investigations of non-filed transactions, handle the 45-day investigations, negotiate and draft mitigation agreements and monitor existing and any future agreements.

At present, the flow of work related to the 30-day reviews for the increased number of CFIUS filings consumes much of the available time of the DOJ personnel currently assigned to CFIUS matters. Time necessary for any 45-day CFIUS investigations, as well as monitoring of CFIUS mitigation agreements to which DOJ and/or FBI is a party, must be added onto the time required for the 30-day reviews.

In addition to processing CFIUS filings, FIRS attorneys also supervise site visits by technical personnel necessary to confirm information submitted by foreign-owned domestic entities as well as periodic visits to determine continued vulnerabilities and/or threats to domestic infrastructure, including privacy concerns for domestic communications networks. Previously, the components that held responsibility for CFIUS and Team Telecom matters rarely conducted site visits or audits of information provided by foreign-owned domestic entities, limiting the Department's ability to protect the national security through the CFIUS process.

Currently, FIRS attorneys along with a handful of contractor support personnel (also currently funded out of NSD's base) have begun taking steps to improve the Department's CFIUS compliance monitoring activities by increasing the number of compliance site visits and improving the tracking of hundreds of company submissions relating to CFIUS filings, mitigation agreements, and site visits.

## Team Telecom (TT)

In reviewing applications for licenses under Sections 214 and 310 of the Communications Act, the FCC must decide whether granting the application is in the “public interest.” One of the factors the FCC considers in this regard is the views of the Executive Branch regarding the effects, if any, the transaction will have on public safety, national security, law enforcement, foreign policy, or trade concerns. To facilitate formation of those views, the FBI and the Departments of Justice, Defense, and Homeland Security formed an interagency group dubbed “Team Telecom.” TT reviews such applications to determine if a proposed communication provider’s foreign ownership, control, and/or influence (FOCI) pose 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. As with CFIUS, TT requires risk-based analysis, *i.e.*, threat and vulnerability assessments of each transaction, including an understanding of the technologies at issue in order to identify any vulnerabilities and to determine whether DOJ/FBI equities are impacted.

The responsibility for all TT reviews was transferred from the Criminal Division to the NSD in October 2007. No Criminal Division personnel transferred with this new responsibility and all of the Department’s TT work is now performed by the same NSD personnel assigned to handle the increasing CFIUS-related work. In 2007, 104 matters were referred by FCC to Team Telecom, and in 2008, 129 matters were referred by the FCC. Twenty-seven of those 233 matters have required mitigation agreements.

## Technical and Expert Support

Resolution of virtually all CFIUS and TT matters depends upon a proper understanding of one or more technologies that are embedded within the products and/or services supplied by the domestic company being acquired. While TT reviews and mitigation centers on telecommunications and related cyber technologies, CFIUS must review and if necessary mitigate an unlimited assortment of technologies with ever increasing complexity. The more advanced the technologies, the greater the national security vulnerability should they be lost to foreign competitors or, more significantly, compromised and/or exploited by terrorists or foreign governments hostile to the United States. For this reason, technical and expert support for the NSD legal staff is essential in order to properly review voluntary TT and CFIUS filings, investigate non-notified transactions that should have been filed with CFIUS, and monitor agreements intended to mitigate national security threats/vulnerabilities so that transactions may be allowed to proceed.

Typical examples of telecommunications and cyber technologies implicated in recent CFIUS matters include:

- Advanced robotics and remote control devices;
- Sophisticated adhesive products used in aircraft engines;
- Cutting edge energy production techniques;

- Global-positioning systems for intermodal shipping containers;
- Biotechnology products/techniques including DNA sequencing;
- Solvents and chemicals; and
- All varieties of cyber-related products and services, e.g., firewalls and other security software, life-cycle production management software, software defined radio applications and waveform development supporting software communication architecture, simulation software used for training military and civil pilots in flight simulators and ground combat simulation.

The type of technical/expert support needed for such reviews/investigations cannot be predicted so NSD requires in-house experts who can function as fully integrated members of the NSD FIRS and be readily available on a continuous basis.

Mitigation agreement monitoring presents a separate challenge. While DOJ has broad counterintelligence and counterterrorism responsibilities, NSD participation in any specific mitigation agreement is usually confined to areas where DOJ/FBI has the most direct equities, such as:

- (1) domestic communications networks, especially those that support Title III and FISA collections;
- (2) communications and cyber-related products and services for domestic industries supporting security regimes, including system security and intelligence collection; and
- (3) law enforcement matters, including export control regimes enforced through prosecutions across the country.

Although these equities may implicate a wide variety of technologies, unique among all CFIUS agencies is the DOJ/FBI responsibility for all CALEA matters, including Title III and FISA surveillances. NSD needs sufficient technical assistance, including engineers versed in CALEA issues, to meet its CFIUS and IT obligations.

In any CFIUS/TT matter, in order to determine if DOJ/FBI equities exist, NSD must often make technical assessments beyond the training or experience of its legal staff. Only then can NSD determine if the threat/vulnerability justifies mitigation through the FCC in the case of TT matters or, in CFIUS, a recommendation to the President to stop the transaction or, alternatively, allow it to proceed if such national security concerns can be mitigated sufficiently through an agreement by the companies to do or refrain from doing various things. If appropriate, NSD must then negotiate an agreement, including all necessary technology-related provisions and, once executed, monitor all aspects of the agreement, including those same technology-related provisions. At any point in this process, NSD may need to conduct site visits to survey and/or confirm security and/or technology-related matters while negotiating and/or pursuant to an agreement. Contractor support that provides the flexibility to draw on a variety of engineering and technical disciplines is the only practical way to address this requirement.

The following technical/expert contractor support is required to meet FIRS' needs:

- Five engineers/technical experts with CALEA experience;
- Two technical experts with broad training/experience in a variety of scientific/technical disciplines who are dedicated in-house support for FIRS legal staff; and
- One project manager.

### Impact on Performance

Personnel dedicated to foreign acquisitions oversight and critical infrastructure protection will enhance the NSD's ability to ensure that our Nation's sensitive technologies and critical infrastructure are protected from foreign ownership or control. Enhanced permanent staffing is needed to meet the Department's increasing responsibilities as a member of CFIUS and IT. Moreover, dedicated in-house technical/expert support from appropriately selected contractor resources will ensure that transactions are assessed by those most competent to understand the ever advancing technologies coming before the NSD FIRS legal team.

## Funding

### Base Funding

FY 2009 Enacted (w/resc./supps)				FY 2010 Enacted				FY 2011 Current Services			
Pos	Atty	FTE	(\$000)	Pos	Atty	FTE	(\$000)	Pos	Atty	FTE	(\$000)
0	0	0	\$0	0	0	0	\$0	0	0	0	\$0

### Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2011 Request (\$000)	FY 2012 Net Annualization (change from 2011) (\$000)
Supervisory Attorney (GS-15)	\$169	1	\$169	\$70
Attorney (GS-15)	169	4	676	280
Paralegal (GS-9)	100	1	100	15
Total Personnel		6	\$945	\$365

### Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2011 Request (\$000)	FY 2012 Net Annualization (Change from 2011) (\$000)
Contractor support			\$1,290	\$0
Total Non-Personnel			\$1,290	\$0

### Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2012 Net Annualization (Change from 2011) (\$000)
Current Services	0	0	0	\$0	\$0	\$0	\$0
Increases	11	8	6	945	1,290	2,235	\$365
Grand Total	11	8	6	\$945	\$1,290	\$2,235	\$365

## **D. Continuity of Operations Relocation Site**

**Item Name:** Continuity of Operations Relocation Site

Budget Decision Unit: National Security Division

Strategic Goal: Prevent Terrorism and Promote the Nation's Security

Organizational Program: National Security Division

Component Ranking of Item: 4

Program Increase: Positions 0 FTE 0 Dollars \$4,017,000

### Description of Item

This request funds the activation costs, including IT, furniture, communications, and costs associated with ensuring a secure work environment for the National Security Division's (NSD) catastrophic Continuity of Operations (COOP) site.

### Justification

In May 2007, the President issued a Federal Continuity Policy in National Security Presidential Directive (NSPD) 51 and Homeland Security Presidential Directive (HSPD) 20 that calls for an established policy to "maintain a comprehensive and effective continuity capability composed of COOP and Continuity of Government (COG)<sup>5</sup> programs in order to ensure the preservation of our form of government under the Constitution and the continuing performance of National Essential Functions under all conditions."

Following NSPD-51 and HSPD-20, the President issued Federal Continuity Directive 1 in February 2008. This mandated, among other things, that Executive Branch offices have adequate, separate locations and that their leadership and staff can execute and perform their essential functions in the event that an emergency prevented use of regular facilities. This directive also mandated that all agencies must identify and provide continuity funding and specific budgetary requirements for all levels of their organizations. Thus, DOJ is required by Presidential policies

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5. In the event of a catastrophic situation, Federal departments and agencies have been assigned emergency preparedness responsibilities, including planning for the COG. COG is a cooperative effort among the Executive branch departments and agencies to preserve the capability to execute constitutional responsibilities in a catastrophic crisis. The plan includes the relocation at an alternate facility where the Department will continue to perform essential responsibilities. COOP involves plans and capabilities covering the same functional objectives of COG and must be maintained at a high level of readiness, and be capable of implementation with or without warning.

and directives to develop a viable COOP capability to ensure continued performance of essential functions in the event of an emergency or situation that may disrupt normal operations. The current threat environment includes a myriad of potential emergencies, including loss of electrical power, technological emergencies, natural disasters, and/or terrorist related events.

While the NSD has made substantial progress in locating and developing a local COOP site and a regional COOP site, Department policy also requires every component to supply its own catastrophic COOP site. The construction of the NSD's catastrophic COOP location can be funded by NSD, but activation costs are needed. The NSD has primary responsibility for the Department's top strategic goal of preventing terrorism and promoting the Nation's security. The prevention of terrorism and promoting the Nation's security is also a primary mission essential function of the Department. The Department's JMD Management and Planning Staff has identified the NSD and its leadership as critical to supporting this strategic goal, particularly during a crisis. In the event of an attack or other terrorist incident, the NSD as a whole plays a key role in ensuring the country responds rapidly and effectively to the consequences of the attack or other incident.

NSD must therefore be able to communicate with Department leadership and other personnel, the United States Attorneys Offices (USAOs), the Foreign Intelligence Surveillance Court, other agencies, critical customers, and the public. For this reason, NSD's catastrophic COOP site can also serve as the site for the Attorney General and the Deputy Attorney General and their staffs. This arrangement will allow critical operations to continue without interruption – namely, for example, obtaining authorizations to collect foreign intelligence information, coordinating the investigations and prosecutions of national security cases, and the sharing of threat information and intelligence with appropriate Department components and the Intelligence Community.

The vast majority of NSD personnel members must work in a secure work environment, *i.e.*, a Sensitive Compartmented Information Facility (SCIF) or Secure Work Area. The stringent security requirements significantly limit the number of facilities that can be considered for NSD's catastrophic COOP site. The NSD must have alternate facilities that meet the security requirements to receive, review and store the highest levels of classified information, provide for secure voice and data communications, and provide access to classified computer systems. While many Department components have the ability to work from home or obtain work space in other DOJ buildings within the metropolitan D.C. area in the event relocation is required, the NSD does not share the same luxury.

Apart from these physical and information security concerns, the NSD will also need alternate facilities that have sufficient space to allow essential personnel (leadership and staff) to perform those functions that are essential to the Department's mission. To be adequate, alternate facilities should be able to support operations in a threat-free environment within 12 hours of an event and for up to 30 days or more as mandated by Presidential directives. These facilities should provide sufficient space and equipment to sustain the relocating organization. While NSD currently has over 300 approved positions and continues to grow, the NSD estimates that it will need an

alternate facility that will accommodate up to 100 people. This number was obtained through discussions with all NSD section representatives, including the needs of the NSD Front Office, and represents the minimum number of persons needed.

Having a catastrophic alternate work location is critical to continue the NSD's mission essential functions. Careful consideration was given in determining the catastrophic work site. In the event of a widespread emergency the alternate site is within the recommended 60 - 150 mile radius from our primary location. The facility will be of sufficient space and equipment to sustain the NSD in a threat free environment. Most importantly, the site is in close proximity to the Department's Leadership and can ably provide additional support to these Offices as well. This site will more than satisfactorily fulfill these needs.

Important note: The proposed facility is to be built. Providing the physical security build out requirements prior to construction is much more cost efficient than to retrofit after completion.

#### Impact on Performance

It is a Departmental requirement to have a catastrophic COOP site to ensure continuity of NSD's essential functions under all circumstances. The NSD's catastrophic COOP site can also serve as the site for the Attorney General and the Deputy Attorney General and their staffs, and the continuity of their operations is essential. Thus, it is imperative that support for this requirement be included and fully funded in the Department's FY 2011 budget. The NSD will continue to seek out and partner with other DOJ components, agencies, and offices to leverage the limited resources available. In the event that NSD is not adequately provided resources to support this requirement, then essential functions to support national security will be limited should catastrophic events occur.

## Funding

### Base Funding

FY 2009 Enacted (w/resc./supps)				FY 2010 Enacted				FY 2011 Current Services			
Pos	Atty	FTE	(\$000)	Pos	Atty	FTE	(\$000)	Pos	Atty	FTE	(\$000)
0	0	0	\$0	0	0	0	\$0	0	0	0	\$0

### Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2011 Request (\$000)	FY 2012 Net Annualization (change from 2011) (\$000)
Total Personnel			\$0	\$0

### Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2011 Request (\$000)	FY 2012 Net Annualization (Change from 2011) (\$000)
IT Equipment			\$1,905	(\$1,107)
Secure Equipment			843	(658)
Furniture			471	(424)
Communication/Utilities			590	(244)
Other Services			208	(48)
Total Non-Personnel			\$4,017	(\$2,481)

### Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2012 Net Annualization (Change from 2011) (\$000)
Current Services	0	0	0	\$0	\$0	\$0	\$0
Increases	0	0	0	0	4,017	4,017	(2,481)
Grand Total	0	0	0	\$0	\$4,017	\$4,017	(\$2,481)

## VI. Program Offsets by Item

**Item Name:** **Travel Management Efficiencies**

Budget Decision Unit: National Security Division

Strategic Goal & Objective: 1 Prevent Terrorism and Promote the Nation's Security

Component Ranking of Item: NA

Program Reduction: Positions 0 Atty 0 FTE 0 Dollars (\$216,000)

### Description of Item

The Department is continually evaluating its programs and operations with the goal of achieving across-the-board economies of scale that result in increased efficiencies and cost savings. In FY 2011, DOJ is focusing on travel as an area in which savings can be achieved. For the National Security Division, travel or other management efficiencies will result in offsets of \$216,000. This offset will be applied in a manner that will allow the continuation of effective law enforcement program efforts in support of Presidential and Departmental goals, while minimizing the risk to health, welfare and safety of agency personnel.

# VII. Exhibits

### VIII. Back-up Exhibit: Program Changes by Decision Unit to Strategic Goal

Item Name	Decision Unit	Strategic Goal	FTE	Dollars (\$\$\$)	Number and Type of Positions	
					Position Series	No. of Positions in Series
Intelligence Oversight and Litigation	NSD	1	4	\$1,118	0905	5
					0950	2
					0318	1
Counterterrorism and Investigation Prosecution	NSD	1	1	\$418	0905	1
					0132	2
					N/A	N/A
Foreign Investment Review	NSD	1	4	\$2,235	0905	5
					0950	1
Continuity of Operations Relocation Site	NSD	1	0	\$4,017	N/A	N/A
Travel Management Efficiencies	NSD	1	0	(\$216)	N/A	N/A
<b>Total NSD</b>			<b>9</b>	<b>\$7,572</b>		<b>17</b>