



governmentattic.org

"Rummaging in the government's attic"

Description of document: Department of Justice (DOJ) FY 2008 Performance Budgets, Congressional Submission, National Security Division (NSD), FY 2007 and FY 2008

Request date: 21-May-2014

Released date: 22-August-2014

Posted date: 05-January-2015

Source of document: Freedom of Information Act Request
National Security Division
US Department of Justice
950 Pennsylvania Avenue, NW
Room 6150
Washington, DC 20530-0001
nsdfoia@usdoj.gov

The governmentattic.org web site ("the site") is noncommercial and free to the public. The site and materials made available on the site, such as this file, are for reference only. The governmentattic.org web site and its principals have made every effort to make this information as complete and as accurate as possible, however, there may be mistakes and omissions, both typographical and in content. The governmentattic.org web site and its principals shall have neither liability nor responsibility to any person or entity with respect to any loss or damage caused, or alleged to have been caused, directly or indirectly, by the information provided on the governmentattic.org web site or in this file. The public records published on the site were obtained from government agencies using proper legal channels. Each document is identified as to the source. Any concerns about the contents of the site should be directed to the agency originating the document in question. GovernmentAttic.org is not responsible for the contents of documents published on the website.



U.S. Department of Justice

Washington, D.C. 20530

AUG 22, 2014

In response to your Freedom of Information Act (FOIA) request dated May 21, 2014, we can provide access to Congressional Budget for FY 2007 – FY 2013. The National Security Division (NSD) was established in FY 2007; therefore, FY 2007 is the first year the Department of Justice submitted a budget for NSD. Attached are two electronic documents that may be released. They include:

- National Security Division FY 2007 Congressional Budget
- National Security Division FY 2008 Congressional Budget

The Division's Congressional Budgets for FY 2009 – FY 2013 can be found online at the following link:

<http://www.justice.gov/about/bpp.htm>USDOJ: Budget and Performance

Sincerely,

A handwritten signature in cursive script that reads "Robin Funston".

Robin Funston
Director, Budget Staff
Justice Management Division

Attachments

Congressional Submission

U.S. Department of Justice

FY 2007 PERFORMANCE BUDGET

NATIONAL SECURITY DIVISION

Table of Contents

Page No.

I. Overview	1
II. Summary of Program Changes	3
III. Decision Unit Justification	
A. National Security Division.....	4
1. Program Description	
2. Performance Tables	
3. Performance, Resources, and Strategies	
IV. Exhibits	
A. Organizational Chart.....	
B. Appropriation Language and Analysis of Appropriations Language	
C. Summary of Requirements	
D. Program Increases by Decision Unit.....	
E. Resources by DOJ Strategic Goal/Objective	
F. Justification for Base Adjustments	
G. Crosswalk of 2005 Availability	n/a
H. Crosswalk of 2006 Availability	n/a
I. Summary of Reimbursable Resources	n/a
J. Detail of Permanent Positions by Category	
K. Summary of Agent/Attorney and Support Positions and FTE.....	
L. Financial Analysis of Program Changes.....	
M. Summary of Requirements by Grade.....	
N. Summary of Requirements by Object Class	
O. Status of Congressionally Requested Studies, Reports, and Evaluations....	n/a

I. Overview for the National Security Division

For the National Security Division, the Department of Justice requests a total of 294 permanent positions, 272 FTE, and \$66,970,000 for FY 2007. This request represents an increase of \$22,436,000 over the \$44,534,000 transferred from other components making up the Division. The Division's total requested program improvements for FY 2007 (68 positions, 35 attorneys, 46 FTE, and \$19,281,000) would expand the Division's support of Goal One of the Department's Strategic Plan.

The Attorney General plans to establish a new National Security Division (hereafter, the Division) within the Department of Justice (Department). The Division will be headed by an Assistant Attorney General (AAG) and will report to the Deputy Attorney General/Attorney General. The Division will be established by consolidating the resources of the current Office of Intelligence Policy and Review (OIPR) and the Criminal Division's (CRM) Counterterrorism and Counterespionage Sections.

These organizational changes, recommended in the recent report of the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, will strengthen the Department's efforts to combat terrorism and other threats to national security. This proposal responds to the President's directive issued on June 29, 2005, and reflects the Department's continuing effort to put into place a structure that best supports the government's core mission to protect national security.

Consolidating OIPR and the Criminal Division's Counterterrorism and Counterespionage Sections under the leadership of a new AAG will ensure greater coordination and unity of purpose among the Department's primary organizational units that handle core national security matters. The Division's organizational structure will include three Deputy Assistant Attorneys General (DAAGs). One DAAG will have oversight responsibility for the Counterterrorism and Counterespionage Sections; a second DAAG will have oversight responsibility for Intelligence Operations and Litigation; and a third DAAG will have oversight responsibility for Intelligence Law and Policy.

These changes will allow the Department to maximize the effectiveness of prosecutors handling cases in the core national security fields of Counterterrorism and Counterespionage, who will continue to carry out the same critical functions they handle today. The new AAG will be positioned to coordinate all related Department resources and ensure that critical information is shared as appropriate across the Department and the Administration. The structure will also include an Executive Office that will handle the administrative functions of the Division.

The mission of the Division is to coordinate the Department's efforts in carrying out its core mission of combating terrorism and protecting national security. Among the major functions the Division will perform are the following:

- develop, enforce, and supervise the application of all federal criminal laws related to the national counterterrorism and counterespionage enforcement programs, except those specifically assigned to other divisions;

- litigate and coordinate a wide range of prosecutions and criminal investigations targeting individuals and organizations that commit or attempt to commit terrorist acts at home or against U.S. persons or interests abroad or that assist in the financing of or providing support to those acts;
- advise, assist, coordinate with and train those in the law enforcement community, including federal, state, and local prosecutors, investigative agencies, and foreign criminal justice entities; and
- advise the Attorney General, Congress, the Office of Management and Budget, and the White House on all national security areas.

The Division will be responsible for assisting in the design, implementation, and support of law enforcement efforts, legislative initiatives, policies and strategies relating to combating international terrorism and domestic terrorism. The Division will assist in preventing and disrupting acts of terrorism through investigation and prosecution. The Division will participate in, among other activities:

- investigating and prosecuting domestic and international terrorism cases;
- participating in the systematic collection and analysis of information relating to the investigation and prosecution of terrorism cases;
- coordinating with headquarters offices of U.S. government agencies, including the Criminal Division, Treasury Department, the State Department, intelligence agencies, the Department of Homeland Security, and the FBI to facilitate prevention of terrorist activity through daily detection and analysis and to provide information and support to the field;
- investigating and prosecuting terrorist financing matters, including material support cases;
- formulating legislative initiatives and DOJ policies and guidelines relating to terrorism;
- training conferences, seminars, and lectures on terrorism-related topics including substantive law, policy, procedure, and guidelines for law enforcement personnel, intelligence officials, the private sector and the general public;
- assisting the Anti-Terrorism Task Advisory Council through the Regional Coordinator system involving information sharing between and among prosecutors nationwide on terrorist matters, cases and threat information;
- participating in the foreign terrorist organization designation process with the Departments of State and Treasury and other Department of Justice components;
- staffing the FBI's Strategic Information Operations Center (SIOC) during crisis incidents;
- providing assistance to victims of terrorist incidents and ensuring compliance with our statutory victim- witness obligations;
- sharing information and trouble-shooting issues with international prosecutors, agents and investigating magistrates to assist in addressing international threat information and litigation initiatives; and
- providing legal advice to federal prosecutors concerning numerous federal statutes.

II. Summary of Program Changes

Item Name	Description				Page
		Pos.	FTE	Dollars (\$000)	
OAAG& Executive Office	Additional positions to permanently fund an Office of the Assistant Attorney General and an Executive Office to provide management direction and accountability for the Division.	22	22	\$10,000	9
National Security Investigations	Additional support to process and file applications submitted under the Foreign Intelligence Surveillance Act (FISA), and for oversight of FBI national security investigations.	30	15	7,428	11
Proliferation Security Initiative	Additional attorneys to ensure that proliferation/export cases with prosecutive potential are identified and aggressively pursued.	9	5	1,052	16
Counterterrorism Investigations Coordination	Additional attorneys to coordinate counterterrorism investigations.	7	4	801	19
TOTAL, NSD		68	46	\$19,281	

III. Decision Unit Justification

A. National Security Division

National Security Division TOTAL	Perm. Pos.	FTE	Amount
2005 Enacted with Rescissions			
2006 President's Budget			
Adjustments to Base			
2007 Current Services	226	226	47,689
2007 Program Increases	68	46	19,281
2007 Request	294	272	66,970
Total Change 2006-2007	294	272	\$66,970

National Security Division—Information Technology Breakout (of Decision Unit Total)	Perm. Pos.	FTE	Amount
2005 Enacted with Rescissions			
2006 President's Budget			
Adjustments to Base			
2007 Current Services			
2007 Program Increases			
2007 Request			
Total Change 2006-2007			TBD

1. Program Description

The Division is responsible for assisting the Attorney General and other senior Department and Executive Branch officials in ensuring that the national security-related activities of the U.S. are consistent with relevant law; overseeing terrorism investigations and prosecutions; and handling counterespionage cases and matters. As such, the Division supports the DOJ Strategic Plan primarily in the areas of counterterrorism, counterintelligence, and counterespionage.

For performance reporting purposes, resources for the Division are included under DOJ Strategic Goal 1; Objective 1.1: Enforce Federal Criminal Laws; Combat espionage against the United States by strengthening counterintelligence capabilities, since a significant portion of their work involves the processing of Foreign Intelligence Surveillance Act (FISA) requests, and conducting oversight of the Federal Bureau of Investigation's foreign intelligence and counterintelligence investigations.

In coordination with the Federal Bureau of Investigation, the intelligence community, and the U.S. Attorneys' Offices, the Division's primary operational functions are to prevent acts of terrorism and espionage from being perpetrated in the U.S. by foreign powers, and to facilitate the collection of counterintelligence regarding foreign agents and powers. All matters that are handled are of great significance to the national security interests of the U.S. The Division is responsible for advising the Attorney General on all matters relating to the national security activities of the U.S. The Division administers the U.S. Government's national security program for conducting electronic surveillance and physical search of foreign powers and agents of foreign powers pursuant to the Foreign Intelligence Surveillance Act of 1978 (FISA) and

conducts oversight of the Federal Bureau of Investigation's foreign intelligence and counterintelligence investigations pursuant to the AG's guidelines for such investigations.

The Division prepares and files all applications for electronic surveillance and physical search under FISA, represents the cases in Court, and when evidence obtained under FISA is proposed to be used in a criminal proceeding, the Division obtains the necessary authorization for the Attorney General to take appropriate actions to safeguard national security. The Division assists government agencies by providing legal advice on matters of national security law and policy, participates in the development of legal aspects of national security and intelligence policy, and represents the Department of Justice on a variety of interagency committees such as the National Counterintelligence Policy Board. The Division comments on and coordinates other agencies' views regarding proposed legislation affecting intelligence matters. The Division serves as adviser to the Attorney General and various client agencies, including the Central Intelligence Agency, the Federal Bureau of Investigation, and the Defense and State Departments, concerning questions of law, regulation, and guidelines as well as the legality of domestic and overseas intelligence operations. The Division also maintains liaison with the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence to ensure they are apprized of Departmental views on national security and intelligence policy and are appropriately informed regarding operational intelligence and counterintelligence activities.

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.													
WORKLOAD/ RESOURCES		Final Target		(Projected) Actual		Projected		Changes				Requested (Total)	
		FY 2005		FY 2005		2006 President's Budget		Current Services Adjustments		FY 2007 Program Change		FY 2007 Request	
Workload: Cases Closed		n/a		n/a		n/a		20		0		60	
Workload: Matters Opened		n/a		n/a		n/a		50		0		370	
Workload: Matters Closed		n/a		n/a		n/a		25		0		115	
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		FTE \$000		FTE \$000		FTE \$000		FTE \$000		FTE \$000		FTE \$000	
		n/a n/a		n/a n/a		n/a n/a		226 47,689		46 19,281		272 66,970	
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2005		FY 2005		FY 2006 President's Budget		Current Services Adjustments		FY 2007 Program Change		FY 2007 Request	
		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Program Activity	National Security Division	n/a	n/a	n/a	n/a	n/a	n/a	226	47,689	46	19,281	272	66,970
Performance Measure	Number of training conferences and seminars on terrorism-related topics	N/A		N/A		N/A		0		0		195	
Performance Measure	Number of FISA applications	N/A		TBD		N/A		N/A		N/A		N/A	
OUTCOME	Favorably Resolved Counterterrorism/Counterespionage Criminal Cases	N/A		N/A		N/A		0%		0%		90%	

Data Definition, Validation, Verification, and Limitations: This program activity includes cases or investigatory matters in which the National Security Division has sole or shared responsibility.

PERFORMANCE MEASURE TABLE

Decision Unit: National Security Division

Performance Report and Performance Plan Targets		FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005		FY 2006	FY 2007
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Projected Actual	Target	Target
Performance Measure	Number of training conferences and seminars on terrorism-related topics	TBD	TBD	TBD	TBD	TBD	TBD	105	105	195	195
Performance Measure	Number of FISA applications	TBD	TBD	934	TBD	TBD	1,754	N/A	N/A	N/A	N/A
OUTCOME Measure	Favorably resolved Counterterrorism/Counterespionage criminal cases	N/A	N/A	N/A	N/A	100%	89%	90%	100%	90%	90%

N/A = Data unavailable; TBD = Data to be developed

* Denotes inclusion in the DOJ Annual Performance Plan

3. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes & Strategies to Accomplish Outcomes

The Division's responsibilities will include providing expert guidance and legal advice, legislative and policy analysis work, training, program coordination, litigation, and all activities related to FISA processing. Although additional performance measures will evolve as planning for the Division proceeds, the Performance and Resources Table includes workload measures on cases closed and matters opened and closed. The table also includes performance measures on the number of training conferences and seminars on terrorism-related topics and number of FISA applications and an outcome measure of favorably resolved criminal cases. The table shows a projected 50 percent increase in counterterrorism and counterespionage cases closed from FY 2006 to FY 2007. We are also projecting a 16 percent increase in matters opened and a 28 percent increase in matters closed. The table also shows that the Department will continue to hold 195 training conferences and seminars on terrorism-related topics, which is a critical part of our training and program coordination responsibilities. The Department will also continue to target the outcome measure "favorably resolved criminal cases" at 90 percent of all criminal cases litigated.

While many of the details are classified, FISA is a critical tool for obtaining foreign intelligence information to protect the nation from terrorist attacks and the activities of foreign spies. As reported in budget documents submitted for FY 2006, the number of FISA applications filed annually with the Foreign Intelligence Surveillance Court continues to grow. In 2001, 934 applications were filed with the FISA Court. In calendar year 2004, 1,754 applications were processed and filed, an 80 percent increase in just a few years. Based on its current and projected workload in supporting the government-wide war on terror, NSD projects that it will continue to require an increase in its staffing level in FY 2007 (see related request). Additional information related to the overall performance levels of NSD is available at the classified level. Those with the appropriate clearance levels and with a need to know may view documents and reports prepared by NSD upon request. Also note that the Department does not target the number of FISA applications.

Program Increases 1:

**Office of the Assistant Attorney General
and Executive Office**

Strategic Goal(s) & Objective(s):

Organizational Program:

1.1

Program Increase: Positions 22 Agt/Atty 2 FTE 22 Dollars \$10,000,000

Description of Item

The Division requests 22 positions (2 attorneys) to permanently fund an Office of the Assistant Attorney General and an Executive Office to provide management direction and accountability.

Justification

Additional resources are required in order to establish the executive and management functions of the Division with permanent funding. It is critical that the national security programs and activities of the Division have adequate oversight and management, including in the areas of information technology, legal policy, human resources, budget, finance, security, and facilities.

No lapse in personnel costs are assumed for this initiative, since it is anticipated that the requested personnel will be on-board by the start of FY 2007 via detailees to stand up the OAAG and Executive Office as soon as possible. The requested additional resources for this initiative will provide a permanent base source of funding for the continuing operations of the new OAAG and Executive Office, and are critical to the success of the new Division.

The administrative staff ratio included is consistent with that generally used throughout the litigating divisions of the Department. This ratio will provide the Division with adequate support staffing in order to accomplish its mission and tasks. The Justice Management Division will continue to support various administrative functions for the Division.

The Division's unique mission needs require a robust ongoing investment in information technology, including highly specialized link analysis, information sharing, and document sharing applications operating above the Top Secret classification level. For the Division, the Department will leverage its investment in an enterprise-wide office automation standard developed through the Justice Consolidated Office Network (JCON). Deployment of JCON-Secret/Top Secret (JCON-S/TS) will involve adapting the current technology to the needs of the Division.

Funding

Base Funding

FY 2005 Actual			FY 2006 Enacted Appropriation w/Rescissions			FY 2007 President's Budget Current Services		
Pos	FTE	Dollars (\$000)	Pos	FTE	Dollars (\$000)	Pos	FTE	Dollars (\$000)
N/A	N/A	N/A	N/A	N/A	N/A	294	272	\$67,593

Note: Funding levels above reflect totals for NSD, and are not project-specific.

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position	Number of Positions Requested	FY 2007 Request
EX (AAG)	\$230,394	1	\$230,394
SES	209,449	7	1,466,143
Counselor	199,475	2	398,950
Professional Mgmt	187,560	6	1,125,360
Executive Assistant	154,077	4	616,308
Admin. Support	108,448	2	216,896
Total Personnel		22	\$4,054,051

Non-Personnel Increase Cost Summary

Item	Unit	Quantity	FY 2007 Request
Facilities/Space			\$3,000,000
Information Technology			2,945,949
Total Non- Personnel			\$5,945,949

Total Request for this Item

Item	Pos	FTE	Personnel	Non-Personnel	Total
NSD	22	22	\$4,054,051	\$5,945,949	\$10,000,000
Grand Total	27	27	\$4,054,051	\$5,945,949	\$10,000,000

Program Increases 2: National Security Investigations

Strategic Goal(s) & Objective(s):
Organizational Program: 1.1

Program Increase: Positions 30 Agt/Atty 21 FTE 15 Dollars \$7,428,000

Description of Item

The Division is requesting 30 positions (21 attorneys) to meet the increased workload of intelligence searches and surveillances, conduct vigorous oversight of the intelligence community, monitoring of the FBI's foreign intelligence and counter intelligence investigations, additional office space (\$1 million), and database development, support and management of the Division's various information technology initiatives (\$4.0 million). This request takes into account replacing the FBI attorneys currently detailed to the Division. This staffing level also considers additional requirements for administrative support, computer technicians, and paralegals.

Justification

Preventing terrorism and promoting the nation's security is the Department's top strategic goal and the Division's mission is focused on achieving that goal. To sustain and expand its essential work and ensure that the Department achieves this goal, the Division requests an additional 30 positions and an additional \$7,428,000.

The past four years have been a time of dramatic change for the Nation and the Department. Since September 11, 2001, the volume and intensity of counterterrorism and counterespionage work have increased substantially, requiring a process of continuous improvement on all fronts. The Division's staff has played an important part in preventing any additional attacks on American soil since the tragedy of 9/11 and do so under the rule of law with due regard for the civil liberties we all hold dear. The Foreign Intelligence Surveillance Act (FISA) of 1978, as amended, has proven to be one of the most critical tools in those efforts and the Division 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 the Division's requested enhancements to its budget for FY 2007 are aimed.

Staffing - The Division's FY 2007 request for 30 positions and \$3,414,090 is based on the experience of the past five years, on information about the FBI's plans to increase substantially the number of its personnel who work on counterterrorism and counterintelligence investigations (which in turn will increase the number of FISA requests from FBI), and on projected additional increased demand for FISA collection from the other parts of the Intelligence Community, all of which will only further increase the Division's already massive workload.

The AG's guidelines for the FBI's conduct of national security investigations and foreign counterintelligence collection have created substantial additional work for the Division. Under the previous guidelines, the Division received periodic reports on the FBI's investigation of United States persons. Under the new guidelines, the Division receives reports from the FBI on all newly-opened national security investigations, constituting at least a tenfold increase in the number of such reports that the Division must review. This involves significant increased

oversight and compliance responsibilities for the Division, which in turn requires additional staff to perform these functions.

As has been true for some time, a significant percentage of the attorneys processing FISA requests in the Division are detailees, not permanent staff. Per a 2004 directive, 15 attorneys were to have been assigned from the FBI for a one year period. The last of those detailees will have return to the FBI by mid-2005 and will not be replaced by other FBI attorneys. In all, 30 attorneys were detailed in 2004 on a rolling basis from other parts of the Department, and others have or will be detailed in 2005. However, even with staffing support, the Division cannot begin to keep pace with the ever-increasing FISA workload. For a variety of reasons, including the need to constantly train attorneys who are unfamiliar with FISA and the fact they are only temporary additions, detailees are not the long-term solution to Division's resource shortfalls. Using so many detailees to fulfill the Division's mission is expensive, inefficient, and not cost-effective.

Secure Buildout - The Division has outgrown its current space and currently is exploring options to expand its secure office space in the Main Justice building, a location required by the need on a daily basis for the Division to obtain approvals of FISA applications from the AG or DAG and to appear before the Foreign Intelligence Surveillance Court (also located in Main Justice). Based on past experience, cost estimates for renovating additional space (including construction to comply with all applicable security requirements) would require a minimum of \$1 million.

Information Technology - \$4.0 million is needed to support and enhance the Division's current information technology infrastructure. In 1999, the Wen Ho Lee congressional investigation highlighted the Division's then-inadequate capacity to track pending and past operational activities. Since then, the Division has engaged in a comprehensive effort to apply sophisticated technological tools to support and manage its operational and policy work, including development of a Top Secret/codeword database called "Oasis." The Division now has an electronic archival repository of its operational and policy documents that makes those documents easy to search and retrieve. It has sophisticated databases that track and report operational information and has resulted in the Division's ability quickly to provide to the Department and its client agencies, as well as congressional oversight committees and investigatory commissions, with the only source of complete and accurate statistics on FISA's use in the government. The Division also has taken advantage of other technological tools to communicate and share data with its client agencies in the processing of FISA applications, which has resulted in increased efficiency and accuracy in the FISA process.

Under the current technology initiative, the Division has implemented successfully a virtual document repository containing the paper and digital records of the office. This system represents the single most significant and complete collection anywhere of operational and policy documents pertaining to the FISA process. The system was extended under the second phase of the Division's technology initiative to help manage the workload of the office and accurately track and report such information. The Division has currently identified several initiatives to further leverage this investment in light of the significant growth of the Division's workforce and workload over the last several years and the expected continued growth in the foreseeable future. One pending initiative entering its final testing and implementation phase is "Turbo-FISA." It will automate the FISA application process through database tools that, using automated queries and drop-down screens, will produce automatically much of the text

commonly included in FISA applications, potentially creating huge time savings in the FISA application and review process.

Another pending initiative grows out of the April 16, 2004 AG's memorandum and involves extending the Division's classified database to FBI and U.S. Attorney Offices in the field called "Oasis-Secret." Because the war on terrorism is not fought just in Washington and the submission of a FISA application requires substantial factual input from the field, the need arose to create a parallel computer system to the Division's Top Secret/codeword databases, but at the Secret level. A parallel Secret system is required because very few FBI or U.S. Attorney offices have secure working space that can accommodate the Division's Top Secret/codeword "Oasis" classified technology. As part of the Attorney General's April 16, 2004 directive already discussed, the Department was directed to undertake this effort, and development of this system is now underway. This enhancement will ensure that development of this critical technological tool is completed, the investment is adequately supported and maintained in the future, and that "Oasis-Secret" becomes fully integrated into the FISA process at all levels of operations across the government.

In addition to the information technology aspects of operations, the Division seeks to build on and extend its current technology initiatives. Included in this would be devoting resources to using new tools to improve collaboration between the Division and other intelligence agencies who are also critical to the FISA process, to support FISA process improvements, and to better manage the Division's rapidly growing workforce and workload. Electronic collaboration will increase and improve the Division's ability to collect and verify other intelligence agencies' information. It will also allow the Division and other agencies to share information in a timely manner. Supporting this collaboration requires additional resources to support the Division's implementation of tools and processes involving significant data security and compartmentalization requirements as well. This budget enhancement will allow the Division to use and improve its technology to increase the overall efficiency of all of the Division's business practices, including the FISA process, as it continues to grow. It also will ensure that there are adequate computer terminals, data closets, servers, software, communications lines, and other equipment and security features required to accredit, run, and monitor our classified networks and to connect with the Foreign Intelligence Surveillance Court in the anticipated development of an electronic filing system, as also described below.

Impact on Performance (Relationship of Increase to Strategic Goals)

One of the Division's key missions is to prepare applications for court authorization to conduct intelligence collection activities pursuant to FISA and to represent the United States before the Foreign Intelligence Surveillance Court (FISC). The Division is responsible for preparing and filing all FISA applications for the U.S. Intelligence Community on behalf of the government. While many of the details are classified, FISA is a critical tool for obtaining foreign intelligence information to protect the nation from terrorist attacks and the activities of foreign spies. The number of FISA applications filed annually with the Foreign Intelligence Surveillance Court continues to grow. In 2001, 934 applications were filed with the FISA Court. In calendar year 2004, the government filed a record number of 1,754 applications, an 80 percent increase in just a few years. To put this number in perspective, in 2004 the total number of applications for interceptions of wire, oral or electronic communications in criminal cases that were approved by *all* federal and state courts during 2004 was 1,710. The FBI reported to the 9/11 Commission that in 2002, the Department of Justice obtained a total of 170 emergency FISA authorizations, which is more than three times the number of emergency FISAs obtained in the 23 years between

the 1978 enactment of FISA and September 11, 2001. Although the current number of emergency FISA authorizations remains classified, this aspect of the Division's workload has kept pace with the overall increases experienced in the past few years.

Funding

Current Services Funding

FY 2005 Actual			FY 2006 Enacted Appropriation w/Rescissions			FY 2007 President's Budget Current Services		
Pos	FTE	Dollars (\$000)	Pos	FTE	Dollars (\$000)	Pos	FTE	Dollars (\$000)
N/A	N/A	N/A	N/A	N/A	N/A	294	272	\$67,593

Note: Funding levels above reflect totals for NSD, and are not project-specific.

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position	Number of Positions Requested	FY 2007 Request
Attorney	\$125,638	21	\$2,638,398
Paralegal	86,188	9	775,692
Total Personnel		30	\$3,414,090

Non-Personnel Increase Cost Summary

Item	Unit	Quantity	FY 2007 Request
Secure Buildout			\$602,087
IT -Database Mgmt			1,485,147
IT - Hardware			1,204,173
OASIS - Secret			722,503
Total Non-Personnel			\$4,013,910

Total Request for this Item

Item	Pos	FTE	Personnel	Non-Personnel	Total
NSD	30	15	\$3,414,090	\$4,013,910	\$7,428,000
Grand Total	30	15	\$3,414,090	\$4,013,910	\$7,428,000

Program Increases 3:

Proliferation Security Initiative

Strategic Goal(s) & Objective(s):

Organizational Program:

1.1

Program Increase: Positions 9 Agt/Atty 7 FTE 5 Dollars \$1,051,842

Description of Item

Additional attorneys to ensure that proliferation/export cases with prosecutive potential are identified and aggressively pursued. Strengthening America's ability to prevent espionage and the illegal procurement of proliferation technologies will complement the Administration's Actions to Implement WMD Commission Recommendations and *Executive Order 13328* (June 29, 2005).

Justification

The Division currently has only nine attorneys (seven line attorneys and two supervisors) to investigate and prosecute espionage and violations of export control, Atomic Energy Act, and Neutrality Act. While cases handled have remained steady at 47-49 cases per year from FY 2002-2005, the Division has seen a dramatic jump in the number of pending matters – from 83 in FY 2002 to 385 in FY 2005, reflecting an increase in FBI referrals (Letterhead Memoranda and other intelligence reporting).

As both the President and Congress have recognized, we face no greater terrorist threat than the potential use of weapons of mass destruction against American citizens. In February 2005, for example, President Bush, in a joint statement with Russian President Vladimir Putin, pledged to ensure the full implementation of U.N. Security Council Resolution 1540 (non-proliferation of WMD) and completion of two WMD-related multi-lateral agreements (the Convention for the Physical Protection of Nuclear Material and the Nuclear Terrorism Convention). The Division's attorneys have worked, and will continue to work, on all three measures. Strengthening our capabilities and expertise in weapons of mass destruction requires improved liaison and proactive, cooperative efforts with our counterparts at the Federal Bureau of Investigation, Department of Energy, Department of Defense, and numerous other federal agencies on WMD non-proliferation and national security issues; increased scientific expertise in-house to deal with the technical aspects of cases, investigations, and preparedness issues; and more focused guidance to the field on WMD issues in the form of comprehensive monographs, jury instructions, and technical understanding.

In May 2003, the Bush Administration announced the Proliferation Security Initiative (PSI), emphasizing the need for the international community to act effectively to stop the trade in weapons of mass destruction and their related components. The PSI is a broad international partnership of countries which, using their own laws and resources, will coordinate their actions to halt shipments of dangerous technologies to and from states and non-state actors of proliferation concern—at sea, in the air, and on land. For our part, the Administration directed the U.S. Government to take tangible steps to help counteract the threat of proliferation.

The FBI has identified the prevention and neutralization of the foreign acquisition of weapons of mass destruction, component parts, and related materials and technology as its number one

foreign counterintelligence strategic objective. The Bureau's Counterintelligence Division has stood up or is standing up counter-proliferation units in each of its operational Sections. It has directed its field offices to know their domains; to find out what corporations, research facilities, military bases, nuclear labs and universities—obvious proliferation targets—are in their areas; to reach out to them; and then to partner with colleagues in the law enforcement and intelligence communities so that they can be force multipliers in neutralizing the threat. As an initial step to support this initiative, the Division established teams that mirror and provide legal advice to the Bureau's operational sections and proliferation units. It is absolutely critical that the Division be able to fully support this effort through training, participation in the FBI's 13 regional working groups, establishment of district-based technology transfer task forces where necessary, and enhanced coordination with the relevant intelligence and law enforcement agencies and United States Attorney's Offices.

The FBI's counterproliferation initiative, launched last year with the assistance of a change in Department of Justice regulations which specifically recognized the authority of the Bureau to investigate export crimes, has already borne fruit. In the past twelve months, fifteen individuals associated with a People's Republic of China (PRC) procurement network have been charged with export offenses. Many others—affiliated with the PRC and other countries of proliferation concern—are under active investigation. Indeed, as a result of the national and international emphasis on proliferation and export control, all of the agencies involved in export enforcement are revamping their enforcement programs and committing additional resources to this area. Collectively, the FBI, Immigration and Customs Enforcement (ICE), and Commerce-Export Enforcement now count in excess of 2,500 proliferation/export control investigations. Without additional personnel, the Division will not be able to provide the needed support to be an active participant in this effort or to ensure that proliferation/export cases with prosecutive potential are identified and aggressively pursued. Our support is particularly critical to the FBI, which is not yet conversant with the complex export statutes and regulatory schemes and which lacks expertise in conducting export investigations.

In December 2004, Congress passed the Intelligence Reform and Terrorism Prevention Act, which created several new offenses focusing on the significant risks stemming from WMD and outlined new programs and responsibilities for the Division. These new offenses address, *inter alia*, production of smallpox, terrorism hoaxes, provision of material support to a nuclear weapons or other WMD program of a foreign terrorist power, and production or possession of radiological devices (i.e., "dirty bombs). In light of the expanded laws and policy directives from the President and Congress, the Division has identified a need for focus and specialization in-house on weapons of mass destruction investigations and prosecutions of attempts, threats, hoaxes, and related cases nationwide, in order to better connect-the-dots and prevent the catastrophe of a WMD attack. Attorneys with scientific background and expertise in these areas would be a significant asset in developing policy guidance and assisting USAOs and the FBI nationwide to implement these new statutes. In the event of an actual WMD crisis, such expertise would be essential not only to provide guidance to USAOs, but also to support investigative and recovery efforts on scene at the incident, at FBI SIOC, and at alternate locations. These specialized resources would provide expertise on authorities and statutory bases for utilization of special federal capabilities and for interagency coordination. Thus, the Division requests resources for this initiative.

Funding

Current Services Funding

FY 2005 Actual			FY 2006 Enacted Appropriation w/Rescissions			FY 2007 President's Budget Current Services		
Pos	FTE	Dollars (\$000)	Pos	FTE	Dollars (\$000)	Pos	FTE	Dollars (\$000)
186	171	\$33,934	238	213	\$38,059	331	299	\$73,945

Note: Funding levels above reflect totals for NSD, and are not project-specific.

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position	Number of Positions Requested	FY 2007 Request
Attorney GS-15	\$125,638	7	\$879,466
Professional Support	86,188	2	172,376
Total Personnel		9	\$1,051,842

Non-Personnel Increase Cost Summary

Item	Unit	Quantity	FY 2007 Request
Total Non-Personnel			\$0

Total Request for this Item

Item	Pos	FTE	Personnel	Non-Personnel	Total
NSD	9	5	\$1,051,842	\$0	\$1,051,842
Grand Total	9	5	\$1,051,842	\$0	\$1,051,842

Program Increases 4: Counterterrorism Investigations Coordination

Strategic Goal(s) & Objective(s):

Organizational Program: 1.1

Program Increase: Positions 7 Agt/Atty 5 FTE 4 Dollars \$800,566

Description of Item

The Division requests 7 positions (5 attorneys) to coordinate counterterrorism investigations. Specifically, additional attorneys are required to investigate and prosecute cases combating the growing threat posed by weapons of mass destruction, terrorist financing, victims of overseas terrorism, and domestic terrorism plots.

Justification

The Anti-Terrorism Advisory Council (ATAC) program mandates an ATAC within each judicial district to better coordinate anti-terrorism activities, initiate training programs, and facilitate sharing of vital information among federal, state, and local law enforcement agencies, and the U.S. Attorneys' Offices. Working closely with the Executive Office for U.S. Attorneys (EOUSA), the Division provides leadership to the ATAC Coordinators and Crisis Management Coordinators within each judicial district in their counterterrorism efforts and coordination of readiness activities so that they are equipped to respond to and resolve terrorist acts and other emergencies affecting their districts and the nation.

Terrorism prosecutors depend on the Division to apprise them of nationwide trends, help them establish counterterrorism strategies and priorities, and raise issues that require resolution by the Department and the FBI. In addition, we play a significant role in overseeing the Crisis Management Coordinator program and in Department preparedness as well as in domestic and international special events planning and preparedness. The Division designs and participates in numerous interagency exercises to improve national preparedness and response capabilities. The Division needs resources to support these critical ATAC and Crisis Management Coordinator programs.

Money is the lifeblood of terrorist organizations, and terrorist financing and material support cases are a critical component of the Department's and the Administration's counterterrorism enforcement strategy. Detecting and preventing terrorism requires an expert understanding of the world-wide movement of money and the Division houses such experts. The Division devotes significant resources through its various roles and responsibilities in this effort, including its participation in the Financial Action Task Force and other interagency and international working groups to combat terrorist financing. Due to our expertise, Division attorneys and staff provide advice, technical assistance, and training to our international partners in their efforts to establish and implement new and more effective terrorist financing legislation.

Most importantly, Division attorneys and staff were instrumental in bringing charges against individuals and organizations in "material support" prosecutions and in providing guidance, advice, and support on every terrorist financing investigation being conducted. Between September 11, 2001, and May 4, 2005, the Division brought charges against 135 individuals in 25 judicial districts in "material support" prosecutions. While U.S. Attorneys' Offices are

increasingly pursuing these cases, they often require significant guidance and assistance from the Division, especially in regard to appropriate charges and in computerized litigation support. The Division requests additional resources to continue our efforts in this critical area.

Resources, including additional attorneys and support personnel, are also needed to work with the FBI's Terrorist Financing Operations Section on data mining and cutting edge investigative strategies and to investigate and prosecute cases which fully utilized the legislative clarifications and expanded jurisdiction provided by the Intelligence Reform and Terrorism Prevention Act of 2004. Terrorists and their associates exploit regulatory mechanisms, such as immigration, finance and tax, by denying terrorist associations and activities on forms designed to capture such information in order to assess entitlement for benefits and legal status. To a greater extent than has occurred in the past, criminal investigations and prosecutions could focus on fraudulent efforts to obtain government benefits—like citizenship and tax-exempt status—while concealing terrorist associations. Such cases would promote the integrity of the benefits programs and regulatory regimes and could also lead to valuable terrorism-related intelligence. More important, they would add to the menu of options available to the nation's counterterrorism prosecutors and officials.

While the Attorney General's highest priority is to prevent terrorist attacks on American soil, the Department also aggressively prosecutes cases involving Americans who were killed or wounded by terrorists overseas. The Division works to ensure that the investigation and prosecution of terrorist deaths of American citizens overseas are a high priority within the Department of Justice. In this way, the Division guarantees a voice for victims and their families in the investigation and prosecution of terrorists who prey on American overseas. Our commitment to these victims is as strong as our dedication to bringing their terrorist attackers to justice. The Office will ensure that the investigation and prosecution of terrorist attacks against American citizens abroad remains a high priority of the Department of Justice.

The Division and the FBI work aggressively on these cases. FBI personnel are permanently stationed in many locations overseas, and teams of additional agents and prosecutors have repeatedly flown to the location of terrorist incidents abroad to obtain evidence and cooperation in connection with these cases. FBI agents and Division prosecutors have met with their counterparts in numerous countries in the pursuit of justice in these cases. The FBI opens investigations concerning every citizen killed by terrorists abroad, and the Division assigns a prosecutor to pursue each of these cases.

Potential terrorists exist on nearly every continent and in dozens of countries, including our own. In recent years, the Department's and the nation's attention has been overwhelmingly devoted to international terrorism, and resources have been strongly focused toward prevention, disruption, investigation and prosecution of international terrorists. Yet we cannot afford to ignore the threat from within. This request seeks to bolster our efforts in domestic terrorism through earlier identification and disruption to prevent and defeat terrorist operations before they occur; to devote the dedicated resources necessary to investigate domestic terrorism incidents; and to vigorously prosecute those who commit or intend to commit such acts. We must also focus greater attention on exploring possible links between international and domestic terrorists, examining recruitment within the U.S. prison system and over the Internet, for example. The unit will utilize new tools endowed to the Department by new legislation, including the new hoax statute enacted as part of the Intelligence Reform and Terrorism Prevention Act of 2004, to investigate domestic terrorism incidents and prosecute suspected terrorist criminals to the fullest

extent of the law. Enhancement of resources devoted to domestic terrorism will permit us to support the investigative efforts of the domestic terrorism components of the FBI and related components of ATF; and to provide focus, guidance and investigative and prosecutive support to U.S. Attorneys' Offices.

The Division is responsible for monitoring the investigation and prosecution of terrorist attacks against Americans abroad; working with the Criminal Division's Victim-Witness Coordinator, the FBI, U.S. Attorney's Offices, and other departmental components to ensure that the rights of victims and their families 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; compiling pertinent data and statistics; responding to congressional and citizen inquiries on the Department's response to terrorist attacks on Americans overseas; and filing any necessary reports with Congress. The Division requests resources to staff the Office in order to fulfill this important mandate and priority area.

Funding

Current Services Funding

FY 2005 Actual			FY 2006 Enacted Appropriation w/Rescissions			FY 2007 President's Budget Current Services		
Pos	FTE	Dollars (\$000)	Pos	FTE	Dollars (\$000)	Pos	FTE	Dollars (\$000)
186	171	\$33,934	238	213	\$38,059	331	299	73,945

Note: Funding levels above reflect totals for NSD, and are not project-specific.

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position	Number of Positions Requested	FY 2007 Request
Attorney GS-15	\$125,638	5	\$628,190
Professional Support	86,188	2	172,376
Total Personnel		7	\$800,566

Non-Personnel Increase Cost Summary

Item	Unit	Quantity	FY 2007 Request
Total Non-Personnel			\$0

Total Request for this Item

Item	Pos	FTE	Personnel	Non-Personnel	Total
NSD	7	4	\$800,566	\$0	\$800,566
Grand Total	7	4	\$800,566	\$0	\$800,566

c. Results of Program Assessment Rating Tool (PART) Reviews

No discussions with the Office of Management and Budget have yet taken place concerning the timing of any potential PART review of the Division.

IV : Exhibits

A: Organizational Chart

DRAFT

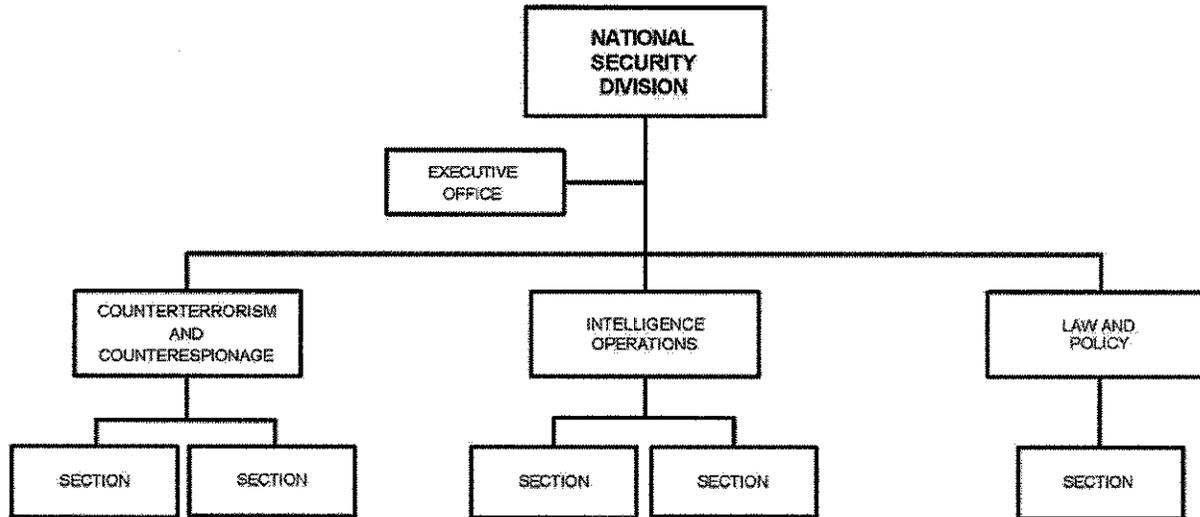


Exhibit A - Organizational Chart

B: Appropriation Language and Analysis of Appropriation Language

Appropriation Language

SALARIES AND EXPENSES, NATIONAL SECURITY DIVISION

For expenses necessary to carry out the activities of the National Security Division, \$66,970,000; 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 Appropriation Language

The language for the National Security Division reflects its status as a new organization within the Department of Justice.

Included in the amount appropriated is \$5,000,000 for information technology systems to remain available until expended. The Division has sophisticated and complex information technology investments for specialized intelligence and counterespionage software applications. Such information technology systems often require phased development over multiple fiscal years, and therefore it is important to have some no year funding in order to implement these solutions in the most cost-effective and efficient manner possible.

Also included is authority for the Attorney General to transfer such amounts if emergent national security circumstances require additional funding. When matters of urgent national security or crises demand it, the Attorney General must have the implicit authority provided by this language to transfer such amounts from other Department appropriation accounts to the Division in order to safeguard national security.

C: Summary of Requirements

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

	FY 2007 Pres. Budget		
	Perm. Pos.	FTE	Amount
2005 Actual Obligations (direct only)*			\$0
2006 President's Budget*			\$0
Technical Adjustments			
2007 Impact of 2006 Rescission (1.0%)			(623)
Total Technical Adjustments			(623)
Adjustments to Base			
Transfers:			
Transfer positions/FTE from OIPR and CRM (CTS & CES)	226	207	44,534
Increases:			
2007 pay raise (2.2%)			458
2006 pay raise annualization (3.1%)			214
Annualization of 2006 positions (FTE)		19	
Annualization of 2006 positions (dollars)			2,582
GSA Rent			523
DHS Security Charges			1
Subtotal Increases		19	3,778
Total Adjustments to Base	226	226	48,312
Total Adjustments to Base and Technical Adjustments			47,689
2007 Current Services	226	226	47,689
Program Increases (list all)			
National Security Investigations	30	15	7,428
Office of the AAG and EO	22	22	10,000
Proliferation Security Initiative	9	5	1,052
Counterterrorism Investigations Coordination	7	4	801
Total Program Increases	68	46	19,281
2007 Total Request	294	272	66,970
2006 - 2007 Total Change	294	272	66,970

* No amounts are shown for FY 2005 or FY 2006, because NSD is proposed as a new appropriation account for FY 2007 - including the consolidation of resources of the Office of Intelligence Policy & Review and the Criminal Division's Counterterrorism and Counterespionage Sections.

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

Estimates by budget activity	2005 Actual Obligations*			2006 Appropriation Enacted with Rescissions and Supplemental*			2007 Adjustment to Base and Technical Adjustments			2007 Current Services			2007 Increases			2007 Offsets			2007 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
National Security Division			\$0				226	226	\$47,689	226	226	47,689	68	46	\$19,281	....	....	\$0	294	272	\$66,970
Total	226	226	47,689	226	226	47,689	68	46	19,281	....	....	....	294	272	66,970
Reimbursable FTE																					
Total FTE			226			226			46							272	
Total Comp. FTE			226			226			46							272	

* No amounts are shown for FY 2005 or FY 2006, because NSD is proposed as a new appropriation account for FY 2007 - including the consolidation of resources of the Office of Intelligence Policy & Review and the Criminal Division's Counterterrorism and Counterespionage Sections.

D: Program Increases/Offsets By Decision Unit

FY 2007 Program Increases/Offsets By Decision Unit
 National Security Division
 (Dollars in Thousands)

Program Increases	Location of Description by Decision Unit	Pos.	Agt./Atty.	FTE	Amount	Total Increases
		National Security Investigations	National Security Division	30	21	15	7,428	7,428
Office of the AAG and EO	National Security Division	22	2	22	10,000	10,000
Proliferation Security Initiative	National Security Division	9	7	5	1,052	1,052
Counterterrorism Investigations Coordination	National Security Division	7	5	4	801	801
Total Program Increases		68	35	46	\$19,281	\$19,281

E: Resources by DOJ Strategic Goal and Strategic Objective

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

Strategic Goal and Strategic Objective	2005 Actual Obligations*		2006 Appropriation Enacted with Rescissions and Supplemental*		2007 Current Services		2007				2006-2007 Total Change					
	Amount		Amount		Amount		Increases		Offsets		Request		Amount			
	FTE	\$000s	FTE	\$000s	FTE	\$000s	FTE	\$000s	FTE	\$000s	FTE	\$000s	FTE	\$000s		
Goal 1: Prevent Terrorism and Promote the Nation's Security 1.1: Prevent, disrupt, and defeat terrorist operations before they occur					226	\$ 47,689	46	19,281					272	\$ 66,970	272	\$ 66,970
GRAND TOTAL	- \$ -		- \$ -		226	\$ 47,689	46	19,281	- \$ -		272	\$ 66,970	272	\$ 66,970		

* No amounts are shown for FY 2005 or FY 2006, because NSD is proposed as a new appropriation account for FY 2007 - including the consolidation of resources of the Office of Intelligence Policy & Review and the Criminal Division's Counterterrorism and Counterespionage Sections.

F. Justification for Base Adjustments

Justification for Base Adjustments National Security Division

Transfers

Transfer of positions, FTE, and dollars to NSD. The 2007 Request includes the permanent transfer of base positions, FTE, and dollars from the Criminal Division and the Office of Intelligence Policy and Review to the new National Security Division. The amounts to be transferred to the National Security Division total 226 positions, 207 FTE, and \$44.534 million for FY 2007.

Increases

2007 pay raise. This request provides for the proposed 2.2 percent pay raise to be effective in January of 2007 and is consistent with Administration policy included in the Pay Raise Guidance for 2006 budget submissions. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$458,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$ 348,000 for pay and \$110,000 for benefits).

Annualization of 2006 pay raise. This pay annualization represents first quarter amounts (October through December) of the 2006 pay increase of 3.1 percent included in the 2006 appropriation enacted, effective January 2006. The amount requested \$214,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$162,640 for pay and \$51,360 for benefits).

Annualization of additional positions approved in 2006. This provides for the annualization of 40 additional positions requested in the OIPR's 2006 President's budget. For 2007, this request includes a decrease of \$403,332 for one-time items associated with the increased positions, and an increase of \$2,985,332 for full-year costs associated with these additional positions, for a net increase of \$2,582,000.

	2006 Increases (\$000)	Annualization Required for 2007 (\$000)
Annual salary rate of 40 new positions	5,632	1,570
Less lapse (50 %)	2,816	
Net Compensation	2,816	1,570
Associated employee benefits	1,740	623
Travel	156	156
Transportation of Things	23	23
Communications/Utilities	66	66
Printing/Reproduction	5	5
Other Contractual Services:		
25.2 Other Services	365	31
25.3 Purchase of Goods and Services from Government Accts.	20	20
25.4 Operation and Maintenance of Facilities		
25.6 Medical Care		3
Supplies and Materials	1,778	29
Equipment	1,320	56
TOTAL COSTS SUBJECT TO ANNUALIZATION	8,289	2,582

General Services Administration (GSA) Rent. GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$523,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of an automated system, which uses the latest inventory data, including rate increases to be effective in FY 2006 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied. GSA provided data on the rate increases.

DHS Security Charges. The Department of Homeland Security (DHS) will continue to charge Basic Security and Building Specific Security. The requested increase of \$1,000 is required to meet our commitment to DHS, and cost estimates were developed by DHS.

G: Crosswalk of 2005 Availability

Not Applicable.

(Note: No amounts are shown for FY 2005, because NSD is proposed as a new appropriation account for FY 2007 - including the consolidation of resources of the Office of Intelligence Policy & Review and the Criminal Division's Counterterrorism and Counterespionage Sections.)

H: Crosswalk of 2006 Availability

Not Applicable.

(Note: No amounts are shown for FY 2006, because NSD is proposed as a new appropriation account for FY 2007 - including the consolidation of resources of the Office of Intelligence Policy & Review and the Criminal Division's Counterterrorism and Counterespionage Sections.)

I: Summary of Reimbursable Resources

Not Applicable.

J: Detail of Permanent Positions by Category

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

Category	2005 Actual*		2006 Appropriation Enacted with Rescissions and Supplemental*		2007 Request					
	Total Authorized	Total Reimbursable	Total Authorized	Total Reimbursable	Transfers	Program Increases	Program Decreases	Total Pr. Changes	Total Authorized	Total Reimbursable
Attorneys (905)					167	35		202	202	
Paralegals / Other Law (900-998)					18	9		27	27	
Personnel Management (200-299)					1	1		2	2	
Clerical and Office Services (300-399)					32	18		50	50	
Accounting and Budget (500-599)					2	2		4	4	
Equipment/Facilities Services (1600-1699)						1		1	1	
Security Specialists (080)					1	1		2	2	
Information Technology Mgmt (2210)					5	1		6	6	
Total	226	68		294	294	....
Headquarters (Washington, D.C.)					226	68		294	294	
U.S. Field								
Foreign Field								
Total	226	68		294	294	....

* No positions are shown for FY 2006, because NSD is proposed as a new appropriation account for FY 2007 - including the consolidation of resources of the Office of Intelligence Policy & Review and the Criminal Division's Counterterrorism and Counterespionage Sections.

K: Summary of Attorney/Agent and Support Positions and FTE

Summary of Attorney/Agent and Support Positions and FTE
 National Security Division
 Salaries and Expenses

APPROPRIATED POSITIONS

Decision Unit	2006 Appropriation Enacted w/Rescissions and Supplemental*						FY 2007 Changes						2007 Request					
	Agents/ Attorneys		Support		Total		Agents/ Attorneys		Support		Total		Agents/ Attorneys		Support		Total	
	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE
National Security Division							202	170	92	102	294	272	202	170	92	102	294	272
Total	202	170	92	102	294	272	202	170	92	102	294	272

* No positions or FTE are shown for FY 2006, because NSD is proposed as a new appropriation account for FY 2007 - including the consolidation of resources of the Office of Intelligence Policy & Review and the Criminal Division's Counterterrorism and Counterespionage Sections.

L: Financial Analysis of Program Changes

Financial Analysis of Program Changes
National Security Division
Salaries and Expenses
(Dollars in Thousands)

Grades:	National Security Investigations								Program Changes	
	NS Investigations		OAAG/Exec Office		Proliferation Security		CT Investigations Coord.		Pos.	Amount
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount		
EX	....		1	\$175		....		....	1	\$175
SES	....		7	1,117		....		....	7	1,117
GS-15	21	1,428	8	888	7	990	5	707	41	4,013
GS-13	9	378	4	340	2	177	2	177	17	1,073
GS-9	....		2	98		....		....	2	98
Total positions & annual amount	30	1,806	22	2,618	9	1,167	7	885	68	6,476
Lapse (-)	(15)	(903)			(5)	(584)	-4	(442)	(20)	(1,487)
Total FTE & personnel compensation	15	903	22	2,618	5	584	4	442	46	4,547
Personnel benefits		264		794		150		123		1,331
Travel and transportation of persons		15		128		33		25		201
Communication, rents, and utilities		123		88		22		17		250
Printing		6		7		1		1		15
Advisory and assistance services		289		142		52		40		523
Other services		4,622		5,678		1		1		10,302
Supplies and materials		38		36		7		5		86
Equipment		1,168		509		202		147		2,026
Total, 2007 program changes requested (FTE and \$\$\$s)	15	\$7,428	22	\$10,000	5	\$1,052	4	\$801	46	\$19,281

M: Summary of Requirements by Grade

Summary of Requirements by Grade
National Security Division
Salaries and Expenses

Grades and Salary Ranges	2005 Actual*		2006 Appropriation Enacted w/Rescissions and Supplemental*		2007 Request		Increase/Decrease	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Executive Level I, \$161,200					1		1	
SES, \$148,000/ \$152,000/ \$157,000		14		14	
GS-15, \$103,947 - 135,136		202		202	
GS-14, \$88,369 - 114,882		14		14	
GS-13, \$74,782 - 97,213		22		22	
GS-12, \$62,886 - 81,747		3		3	
GS-11, \$52,468 - 68,209		21		21	
GS-9, \$43,365 - 56,371		6		6	
GS-8, \$39,262 - 51,036		5		5	
GS-7, \$35,452 - 46,088		4		4	
GS-6, \$31,903 - 41,474		1		1	
GS-5, \$28,620 - 37,211		1		1	
Total, appropriated positions		294		294	
Average ES Salary		\$ -		\$ ---		\$ 159,000		
Average GS Salary		\$ -		\$ ---		\$ 88,000		
Average GS Grade						14		

* No positions are shown for FY 2006, because NSD is proposed as a new appropriation account for FY 2007 - including the consolidation of resources of the Office of Intelligence Policy & Review and the Criminal Division's Counterterrorism and Counterespionage Sections.

N: Summary of Requirements by Object Class

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

Object Classes	2005 Actual*		2006 Appropriation Enacted w/Rescission and Supplemental*		2007 Request		Increase/Decrease	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
11.1 Total FTE & personnel compensation	271	27,242	271	27,242
11.3 Other than full-time permanent	1	500	1	500
11.5 Total, Other personnel compensation
<i>Overtime</i>	159	....	159
<i>Other Compensation</i>	341	....	341
11.8 Special personal services payments
Total	272	27,742	272	27,742
Reimbursable FTE:								
Full-time permanent	[]		[]		[]		[]	
Other Object Classes:								
12.0 Personnel benefits	7,069	....	7,069
21.0 Travel and transportation of persons	1,680	....	1,680
22.0 Transportation of things	87	....	87
23.2 GSA rent	9,085	....	9,085
23.3 Comm., util., & other misc. charges	1,031	....	1,031
24.0 Printing and reproduction	17	....	17
25.1 Advisory and assistance services	485	....	485
25.2 Other services	17,711	....	17,711
25.3 Purchases of goods & services from Government accounts	15	....	15
25.4 Lease expirations	2	....	2
25.5 Research and development contracts	1	....	1
25.7 Operation and maintenance of equipment	6	....	6
26.0 Supplies and materials	424	....	424
31.0 Equipment	1,615	....	1,615
Total obligations		\$0		\$0		\$66,970		66,970

* No amounts are shown for FY 2006, because NSD is proposed as a new appropriation account for FY 2007 - including the consolidation of resources of the Office of Intelligence Policy & Review and the Criminal Division's Counterterrorism and Counterespionage Sections.

O: Status of Congressionally Requested Studies, Reports, and Evaluations

Not Applicable.

U.S. Department of Justice

**FY 2008 PERFORMANCE BUDGET
Congressional Submission**

NATIONAL SECURITY DIVISION

Table of Contents

	Page No.
I. Overview	1
II. Summary of Program Changes	3
III. Appropriations Language and Analysis of Appropriations Language	4
IV. Decision Unit Justification	
A. National Security Division	
1. Program Description	5
2. Performance Tables.....	7
3. Performance, Resources, and Strategies	8
V. Exhibits	
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 2006 Availability	
G. Crosswalk of 2007 Availability	
H. Summary of Reimbursable Resources (Not applicable)	
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	

I. Overview for the National Security Division

For the National Security Division (NSD), the Department of Justice (DOJ) requests a total of 346 permanent positions (236 attorneys), 322 FTE, and \$78,056,000 for FY 2008. This request represents an increase of \$12,797,000 over the \$65,259,000 estimated enactment of the FY 2007 President's budget and \$6,557,000 over FY 2008 current services. The Division's total requested program improvements for FY 2008 (52 positions, including 34 attorneys, 28 FTE, and \$6,557,000) will expand the Division's support of Goal One of the Department's Strategic Plan. Beginning in FY 2007, electronic copies of the DOJ congressional budget justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.usdoj.gov/jmd/2008justification/>.

In response to the recommendations presented by the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (WMD Commission), the President directed the Department to create a National Security Division within the Department of Justice. On March 9, 2006, the NSD was authorized by the "USA PATRIOT Improvement and Reauthorization Act of 2005." This critical Division consolidates the resources of the Office of Intelligence Policy and Review and the Criminal Division's Counterterrorism and Counterespionage Sections. NSD is positioned to coordinate all intelligence-related Departmental resources and ensure that criminal intelligence information is shared across the Department and the Administration, as appropriate. These organizational changes have strengthened the Department's efforts to combat terrorism and other threats to national security.

The NSD is headed by an Assistant Attorney General (AAG) who reports to the Deputy Attorney General/Attorney General. The mission of the Division is to coordinate the Department's efforts in carrying out its core mission of combating terrorism and protecting national security. Among the major functions the Division performs are the following:

- develop, enforce, and supervise the application of all federal criminal laws related to the national counterterrorism and counterespionage enforcement programs, except those specifically assigned to other divisions;
- litigate and coordinate a wide range of prosecutions and criminal investigations targeting individuals and organizations that commit or attempt to commit terrorist acts at home or against U.S. persons or interests abroad or that assist in the financing of or providing support to those acts;
- advise, assist, coordinate with and train those in the law enforcement community, including federal, state, and local prosecutors, investigative agencies, and foreign criminal justice entities; and
- advise the Attorney General, Congress, the Office of Management and Budget, and the White House on all national security areas.

The Division is responsible for assisting in the design, implementation, and support of law enforcement efforts, legislative initiatives, policies, and strategies relating to combating

international terrorism and domestic terrorism. The Division also assists in preventing and disrupting acts of terrorism through investigation and prosecution. The Division participates in, among other activities:

- investigating and prosecuting domestic and international terrorism cases;
- participating in the systematic collection and analysis of information relating to the investigation and prosecution of terrorism cases;
- coordinating with headquarters offices of U.S. government agencies, including the Criminal Division, Treasury Department, the State Department, intelligence agencies, the Department of Homeland Security, and the Federal Bureau of Investigation (FBI) to facilitate prevention of terrorist activity through daily detection and analysis and to provide information and support to the field;
- investigating and prosecuting terrorist financing matters, including material support cases;
- participates in the Committee on Foreign Investments in the U.S. (CFIUS) which serves U.S. national security and foreign investment policies through reviews of proposed foreign investments in the U.S.;
- formulating legislative initiatives and DOJ policies and guidelines relating to terrorism;
- training conferences, seminars, and lectures on terrorism-related topics including substantive law, policy, procedure, and guidelines for law enforcement personnel, intelligence officials, the private sector and the general public; assisting the Anti-Terrorism Advisory Council through the Regional Coordinator system involving information sharing between and among prosecutors nationwide on terrorist matters, cases and threat information;
- participating in the foreign terrorist organization designation process with the Departments of State and Treasury and other DOJ components;
- staffing the FBI's Strategic Information Operations Center (SIOC) during crisis incidents;
- providing assistance to victims of terrorist incidents and ensuring compliance with our statutory victim-witness obligations;
- sharing information and troubleshooting issues with international prosecutors, agents and investigating magistrates to assist in addressing international threat information and litigation initiatives; and
- providing legal advice to federal prosecutors concerning numerous federal statutes.

In FY 2008, the Department plans to continue the development of the NSD by augmenting certain functions listed above and by adding additional analytical capacity. The request includes enhancements for the following (in priority order):

1. FISA Operations and Intelligence Oversight
2. Counterterrorism Investigation and Prosecution
3. Crisis Preparedness and Management
4. Policy and Legal Analysis and Coordination
5. Justice for Victims of Overseas Terrorism

II. Summary of Program Changes

Item Name	Description				Page
	Pos.	FTE	Dollars (\$000)		
FISA Operations and Intelligence Oversight	Funding for personnel to address the current and projected additional increased demand for FISA collection and on requests from other parts of the Intelligence Community.	21	11	\$3,114	10
Counterterrorism Investigation and Prosecution	Additional counterterrorism prosecutorial personnel to strengthen investigative capabilities in order to more effectively identify, track, and prevent terrorist cells from operating in the US	11	6	1,331	14
Crisis Preparedness and Management	Request to establish a new section in NSD which will provide focused attention on planning for and managing responses to terrorist and other catastrophic events affecting national security.	5	3	433	22
Policy and Legal Analysis and Coordination	Funding to staff NSD's Law and Policy Office, which will coordinate with other agencies and provide policy advice to the Assistant Attorney General for the NSD and all Department components on national security and related matters.	12	6	1,216	25
Justice for Victims of Overseas Terrorism	Funding to staff the Office of Justice for Victims of Overseas Terrorism (OJVOT), as established pursuant to the Department of Justice FY 2005 Appropriations Act.	3	2	463	29
TOTAL, NSD		52	28	\$6,557	

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, \$78,056,000; 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

The FY 2008 President's Budget uses the FY 2007 President's Budget language as a base so all language is presented as new.

IV. Decision Unit Justification

National Security Division

NATIONAL SECURITY DIVISION TOTAL	Perm. Pos.	FTE	Amount
2006 Enacted w/Rescissions and Supplementals*	....	....	....
2007 Estimate	294	272	\$65,259
Adjustments to Base and Technical Adjustments		22	6,240
2008 Current Services	294	294	71,499
2008 Program Increases	52	28	6,557
2008 Request	346	322	78,056
Total Change 2007-2008	52	50	\$12,797

* No amounts are shown for FY 2006 because NSD is proposed as a new appropriation in FY 2007.

1. Program Description

The Division is responsible for assisting the Attorney General and other senior Department and Executive Branch officials in ensuring that the national security-related activities of the United States are consistent with relevant law; overseeing terrorism investigations and prosecutions; and handling counterespionage cases and matters. As such, the Division supports the DOJ Strategic Plan in the areas of counterterrorism, counterintelligence, and counterespionage.

For performance reporting purposes, resources for the Division are included under DOJ Strategic Goal 1; Objective 1.1: Enforce Federal Criminal Laws; Combat espionage against the United States by strengthening counterintelligence capabilities, since a significant portion of their work involves the processing of Foreign Intelligence Surveillance Act (FISA) requests, and conducting oversight of the FBI's foreign intelligence and counterintelligence investigations. In fact, the Division supports all objectives under Strategic Goal 1.

In coordination with the FBI, the Intelligence Community, and the U.S. Attorneys' Offices, the Division's primary operational functions are to prevent acts of terrorism and espionage from being perpetrated in the United States by foreign powers and to facilitate the collection of counterintelligence regarding foreign agents and powers. The Division advises the Attorney General on all matters relating to the national security activities of the United States. The Division administers the U.S. Government's national security program for conducting electronic surveillance and physical search of foreign powers and agents of foreign powers pursuant to the Foreign Intelligence Surveillance Act of 1978 (FISA) and conducts oversight of the Federal Bureau of Investigation's foreign intelligence and counterintelligence investigations pursuant to the Attorney General's guidelines for such investigations.

The Division prepares and files all applications for electronic surveillance and physical search under FISA, represents the cases in Court, and when evidence obtained under FISA is proposed to be used in a criminal proceeding, the Division obtains the necessary authorization for the Attorney General to take appropriate actions to safeguard national security. The Division assists government agencies by providing legal advice on matters of national security law and policy, participates in the development of legal aspects of national security and intelligence policy, and represents the DOJ on a variety of interagency committees such as the National Counterintelligence Policy Board. The Division comments on and coordinates other agencies' views regarding proposed legislation affecting intelligence matters. The Division serves as adviser to the Attorney General and various client agencies, including the Central Intelligence Agency, the FBI, and the Defense and State Departments, concerning questions of law, regulation, and guidelines as well as the legality of domestic and overseas intelligence operations. The Division also maintains liaison with the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence to ensure they are apprized of Departmental views on national security and intelligence policy and are appropriately informed regarding operational intelligence and counterintelligence activities.

2. Performance Table

PERFORMANCE AND RESOURCES TABLE

Decision Unit: National Security Division

DOJ Strategic Goal/Objective: 1.1 Prevent, disrupt, and defeat terrorist operations before

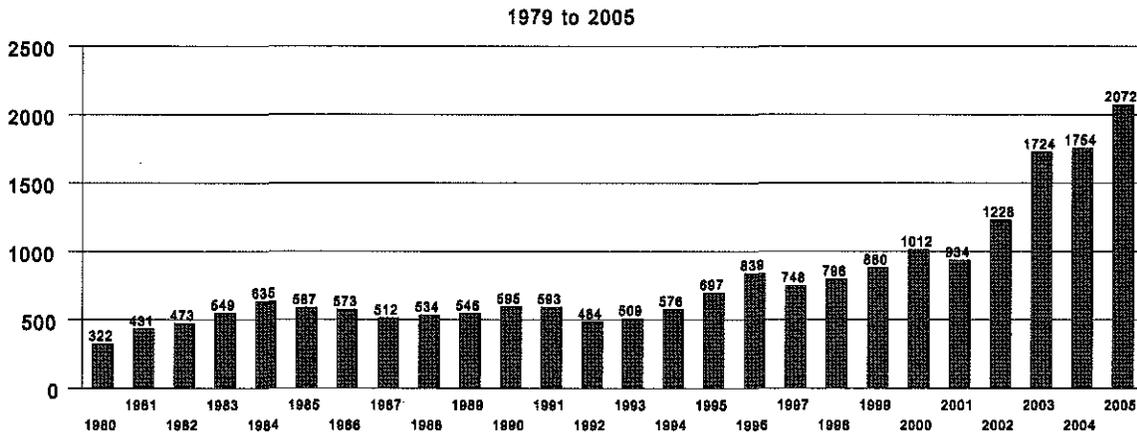
Workload / Resources		Final Target		Actual		Estimate		Changes		Requested (Total)	
		FY 2006		FY 2006		FY 2007		Current Services Adjustments		FY 2008 Request	
Workload: Cases Open		73		50		92		13		105	
Workload: Cases Closed		55		55		80		20		100	
Workload: Matters Opened		314		315		370		60		430	
Workload: Matters Closed		114		114		142		28		170	
Total Cost and FTE		FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
reimbursable FTE are included but reimbursable costs are bracketed and not included in totals		n/a	n/a	n/a	n/a	272	66,259	50	12,797	322	79,056
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2006		FY 2006		FY 2007		Current Services Adjustments and FY 2008 Program		FY 2008 Request	
Program Activity	National Security Division	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
		n/a	n/a	n/a	n/a	272	66,259	50	12,797	322	79,056
Performance Measure	Number of training conferences and seminars on terrorism-related topics	60		40		60		0		60	
Performance Measure	Number of FISA applications approved	n/a		n/a		n/a		n/a		n/a	
OUTCOME	Favorably resolved Counterterrorism/Counterespionage criminal	n/a		n/a		90%		0%		90%	

3. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes

The Division's responsibilities will include providing expert guidance and legal advice, legislative and policy analysis work, training, program coordination and litigation of criminal terrorism and terrorism related cases, and all activities related to FISA processing. Although additional performance measures will evolve as planning for the Division proceeds, the Performance and Resources Table includes workload measures on cases closed and matters opened and closed. The table also includes performance measures on the number of training conferences and seminars on terrorism-related topics and number of FISA applications and an outcome measure of favorably resolved criminal cases. The table shows a projected 14 percent increase in counterterrorism and counterespionage cases opened and a 25 percent increase in cases closed from FY 2007 to FY 2008. The Division is also projecting a 16 percent increase in matters opened and a 20 percent increase in matters closed. The table also shows that the Department will continue to hold 60 training conferences and seminars on terrorism-related topics, which is a critical part of our training and program coordination responsibilities. The Department will also continue to target the outcome measure "favorably resolved criminal cases"

Total Number of FISAs Approved Per Year



at 90 percent of all criminal cases litigated.

While many of the details are classified, FISA is a critical tool for obtaining foreign intelligence information to protect the nation from terrorist attacks and the activities of foreign spies. The number of FISA applications filed annually with the Foreign Intelligence Surveillance Court (the Court) continues to grow. In 2001, the Department filed 934 applications with the Court. In calendar year 2005, the Department processed and filed on behalf of the government a record

number of 2,074 applications, more than double the amount filed just four years earlier. To put this number in perspective, the total number of applications for interceptions of wire, oral or electronic communications in criminal cases that were approved by *all* federal and state courts during 2005 was 1,774. Of that total, 625 were wiretap applications submitted to federal courts—less than a third of the total number of FISA applications submitted by the government to the Court in that time period. Additional information related to the overall performance levels of NSD is available at the classified level. Those with the appropriate clearance levels and with a need to know may view documents and reports prepared by NSD upon request. Also note that the Department does not target the number of FISA applications.

b. Strategies to Accomplish Outcomes

Program Increases

Item Name: FISA Operations and Intelligence Oversight

Budget Decision Unit: National Security Division

Strategic Goal & Objective: Strategic Goal 1: Prevent Terrorism and Promote the Nation's Security;
Objectives 1.1 Prevent, disrupt, and defeat terrorist operations before they occur; 1.2 Investigate and prosecute those who have committed, or intend to commit, terrorist acts in the United States; and 1.3 Combat espionage against the United States by strengthening counterintelligence capabilities.

Organizational Program: FISA Operations and Intelligence Oversight Sections

Program Increase: Positions: 21 Atty: 15 FTE: 11 Dollars: \$3,114,000

Description of Item

This request provides an additional 21 positions to NSD's FISA Operations and Intelligence Oversight Sections. Of these, 21 positions 15 are attorneys and 6 are support positions required to provide case management, technical, and paralegal support.

Justification

The NSD request for FISA operations and intelligence oversight staffing is based on the Department's experience over the past five years, on 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, and on current and projected additional increased demand for FISA collection from other parts of the Intelligence Community. All of these factors will further increase the workload of the FISA Operations and Intelligence Oversight Sections.

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 related workload has increased substantially, requiring continuous improvements on all fronts. FISA, as amended, has proven to be one of the most critical tools in preventing any additional attacks on American soil, and the FISA Operations and Intelligence Oversight Sections oversee 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 the FISA Operations and Intelligence Oversight Sections' requested enhancements are aimed.

The FY 2007 budget includes an additional 30 positions (21 attorneys) for the NSD FISA Operations and Intelligence Oversight Sections and this request includes another 21 positions (15 attorneys). However, based on the FISA Operations and Intelligence Oversight Sections' current and projected workload in supporting the government-wide war on terror and on the unmet demand in the intelligence community for court-authorized intelligence collection, NSD projects that the FISA Operations and Intelligence Oversight Sections require an increase of 100 positions at a minimum if those needs are to be addressed adequately. This request recognizes the limitations of the hiring process and the challenges of assimilating large numbers of new staff in one year.

In the past, shortfalls in the number of OIPR attorneys needed for the processing of FISA applications and for other operational needs required OIPR to augment its staff with detailees. The Attorney General and the Deputy Attorney General issued directives that resulted in detailing about 30 attorneys to OIPR in 2004 from other parts of the Department. More attorneys were detailed in 2005. At times during those years, nearly 40 percent of the line attorneys in OIPR were detailees. Yet even with this staffing support, OIPR could not keep pace with the ever-increasing FISA workload. For a variety of reasons, including the need to train attorneys who are unfamiliar with FISA, detailees are not a long-term solution to resource shortfalls. The use of detailees is expensive and inefficient.

In appearances before Congress, Department officials often are questioned about the time it takes to process certain FISA requests, which is attributable in part to the FISA Operations and Intelligence Oversight Sections' limited resources to devote to processing FISA applications. The findings and recommendations of the Senate Select Committee on Intelligence's *Committee Staff Audit and Evaluation of the Foreign Intelligence Surveillance Act Process* (November 15, 2005) discussed at some length the chronic staffing shortages that have characterized the Department's FISA operations and the negative impact on those operations from inadequate resources. Although budget enhancements of the past few years have helped to ease staffing shortages, current base levels are not sufficient to provide the operational support to the Intelligence Community necessary to maintain a continuing vigorous response to the ongoing threats to our national security.

The Attorney General's October 2003 guidelines for the FBI's conduct of national security investigations and foreign counterintelligence collection also imposed substantial oversight duties on OIPR that are now handled by the FISA Operations and Intelligence Sections. Under the previous guidelines, OIPR received periodic reports on the FBI's investigation of United States persons. Under the new guidelines, FISA Operations and Intelligence Oversight Sections receive reports from the FBI on all newly-opened national security investigations, constituting at least a tenfold increase in the number of such reports that the FISA Operations and Intelligence Oversight Sections must review. This involves significant increased oversight and compliance responsibilities, which, in turn, requires more staff.

Impact on Performance (Relationship of Increase to Strategic Goals)

The number of FISA applications filed annually with the FISC continues to grow. In 2001, OIPR filed 934 applications with the FISC. In calendar year 2005, OIPR processed and filed on behalf of the government a record number of 2,074 applications, more than double the amount filed just four years earlier. To put this number in perspective, the total number of applications for interceptions of wire, oral or electronic communications in criminal cases that were approved by *all* federal and state courts during 2005 was 1,774. Of that total, 625 were wiretap applications submitted to federal courts—less than a third of the total number of FISA applications submitted by the government to the FISC in that time period.

In addition, in 2002 the DOJ obtained 170 emergency FISA authorizations—more than three times greater than the total number of emergency FISAs obtained in the 23 years between FISA's enactment in 1978 and the terrorist attacks on 9/11. Although the number of emergency FISA authorizations since remains classified, this aspect of OIPR's workload has kept pace with the overall increases in workload that the FISA Operations and Intelligence Oversight Sections continue to experience.

The number of FISA applications filed represents only a part of the NSD's operations. The FISA Operations and Intelligence Oversight Sections' daily activities in support of the Intelligence Community will 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 will 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 extensive oversight and advice.

Funding

Base Funding

FY 2006 Availability				FY 2007 Estimate				FY 2008 President's Budget Current Services			
Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)
152	115	133	\$31,162	182	136	167	\$40,480	182	136	182	\$44,746

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2008 Request (\$000)	FY 2009 Net Annualization (\$000)
Attorneys	\$179	15	\$2,685	\$638
Admin Support/Paralegal	\$67	2	134	81
Clerical	\$56	4	225	83
Total Personnel		21	\$3,044	\$802

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2008 Request (\$000)	FY 2009 Net Annualization (\$000)
			\$68	\$68
Total Non-Personnel				\$68

Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)
Current Services	182	136	182			\$44,746
Increases	21	15	11	\$3,044	\$68	3,114
Grand Total	223	151	193			\$47,860

Item Name: Counterterrorism Investigation and Prosecution

Budget Decision Unit: National Security Division

Strategic Goal & Objective: Strategic Goal 1: Prevent Terrorism and Promote the Nation's Security; Objectives 1.1: Prevent, disrupt, and defeat terrorist operations before they occur; and 1.2: Investigate and prosecute those who have committed, or intend to commit, terrorist acts in the United States.

Organizational Program: Counterterrorism Section (CTS)

Program Increase: Positions: 11 Atty: 8 FTE: 6 Dollars: \$1,331,000

Description of Item

This request augments the NSD by providing additional counterterrorism prosecutorial personnel (particularly needed given the increases in investigative personnel in recent years); strengthening our counterterrorism investigative capabilities so that we can more effectively identify, track, and prevent terrorist cells from operating in the United States and overseas; and improving information sharing and coordination with federal, State, local and foreign partners.

Justification

CTS needs enhanced resources just to address and keep pace with current and future workloads. From FY 2007 to FY 2008, the Division foresees a 14 percent increase in counterterrorism and counterespionage cases opened and a 16 percent increase in counterterrorism and counterespionage matters opened. The FBI's FY 2007 request includes 5,051 total agents for counterterrorism, counterintelligence, and computer intrusion, which represents an increase of 3,135 agents (164%) over FY 2001. In contrast, counterterrorism prosecutorial resources in the Criminal Division (now included in the NSD) increased by only 5 attorneys, for a total of 56, during the same time period. This imbalance impairs the Department's ability to improve our prosecutorial capabilities in this area and respond to the many demands facing the Department.

In this context, CTS requires enhancements in the following program areas:

- Improve Weapons of Mass Destruction (WMD) Focus, Expertise, and Prosecutorial Capabilities to Prevent Terrorists from Obtaining and Utilizing These Weapons
- Domestic Terrorism
- Anti-Terrorism Advisory Council (ATAC) Program Enhancements
- Terrorist Financing and Other Material Support International Terrorism Prosecution Resources

These enhancements will:

- Promote and use new legislation – including new offenses pursuant to the Intelligence Reform and Terrorism Prevention Act of 2004 that address production of smallpox, terrorism

hoaxes, provision of material support to a nuclear weapons or other weapons of mass destruction (WMD) program of a foreign terrorist power, and production or possession of radiological devices (i.e., "dirty bombs") – to investigate WMD threats and incidents and to prosecute suspected terrorist criminals to the fullest extent of the law.

- Fully utilize the ATACs created by the U.S. Attorney's Office within each judicial district to coordinate specific antiterrorism initiatives, conduct training programs, and facilitate information sharing in regard to WMD and precursor chemicals and agents.
- Through increased coordination with and among the FBI's Joint Terrorism Task Forces (JTTFs) and ATACs, improve information sharing and coordination with federal, State and local partners relative to WMD and precursor chemicals and agents, increase early identification and disruption of those seeking to acquire and/or use weapons of mass destruction, and develop intelligence-driven investigations and prosecutions.
- Build strong cases for prosecution of WMD-related criminal activity through the cooperative efforts of the U.S. Attorneys' Offices, the Counterterrorism Section and other components of the NSD, pertinent components of the Criminal Division, and our partners in other federal agencies.
- Work with the FBI's new WMD Directorate and other pertinent federal components to apply all resources available to develop a comprehensive approach to investigating acts and threats of terrorism involving WMD and precursors.
- Enhance resources devoted to domestic terrorism by creating a Domestic Terrorism Unit to work effectively with and provide investigative guidance to the FBI's Domestic Terrorism Operations Section and other pertinent federal law enforcement components, including ATF.
- Through increased coordination with and among JTTFs and ATACs, apply all resources available to develop a comprehensive approach to the early identification, investigation and prosecution of members of domestic terrorism and extremist groups to disrupt and prevent terrorist acts.
- Provide specific prosecutorial resources to focus on home grown terrorists who are inspired by and/or adhere to the philosophy, tactics and methods of international terrorist groups such as al-Qaeda.
- Promote the use of recent legislation, including the hoax statute (18 U.S.C. § 1038) enacted as part of the Intelligence Reform and Terrorism Prevention Act of 2004, to investigate domestic terrorism incidents and prosecute suspected terrorists to the fullest extent of the law.
- Continue to propose and advocate for the passage of CTS-drafted legislation, such as amendments to 18 U.S.C. § 43 and proposals to protect federal, state and local officials from harassment and fraudulent liens, to enhance our tools to investigate and prosecute acts of domestic terrorism.
- Build strong cases for prosecution through coordinated efforts of the U.S. Attorneys' Offices and CTS, including multi-district investigations and prosecutions.
- Fulfill obligations under AG Guidelines to review, analyze and provide guidance to the FBI on initiation and renewal of Terrorism Enterprise Investigations and build these investigations into strong prosecutions where appropriate.

- Develop ATAC Sub-Groups to share expertise and information in regard to common interests and problems among federal, state, and local officials, as well as with pertinent international counterparts and with private sector and industry officials.
- Provide targeted training materials and guidance on new legislation and authorities to investigate and prosecute suspected terrorist criminals to the fullest extent of the law.

WMD

Our Nation faces no greater terrorist threat than the potential use of weapons of mass destruction against American citizens. In February 2005, President Bush, in a joint statement with Russian President Vladimir Putin, pledged to ensure the full implementation of U.N. Security Council Resolution 1540 (non-proliferation of WMD) and completion of two WMD-related multi-lateral agreements (the Convention for the Physical Protection of Nuclear Material and the Nuclear Terrorism Convention). CTS attorneys have worked on all three measures. The report of the Presidential Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (the Silberman-Robb Commission) underscores that we in government must redouble our efforts to strengthen our capabilities and expertise in regard to weapons of mass destruction. For CTS, this translates into strategic planning to achieve improved liaison and proactive, cooperative efforts with our counterparts at FBI, Department of Energy, Department of Defense, Department of State, and numerous other federal agencies on WMD non-proliferation and national security issues; increased scientific expertise in-house to deal with the technical aspects of cases, investigations, and preparedness issues; and more focused guidance to the field on WMD issues in the form of comprehensive monographs, jury instructions, and technical understanding.

In December 2004, as part of the Intelligence Reform and Terrorism Prevention Act, Congress created several new offenses focusing on the significant risks stemming from WMD. These new offenses address, among other things, production of smallpox, terrorism hoaxes, provision of material support to a nuclear weapons or other WMD program of a foreign terrorist power, and producing or possessing radiological devices (i.e., "dirty bombs"). In March 2006, CTS authored and distributed to all U.S. Attorneys' Offices and the FBI a comprehensive WMD monograph which provided guidance on prosecuting WMD cases and responding to WMD threats and incidents. This monograph will assist U.S. Attorney's Offices and the FBI nationwide to implement these new statutes. As the FBI stands up its new WMD Directorate, CTS must supplement its own resources in this area to support the anticipated increase in investigations and prosecutions centered on proliferation of and trafficking in WMD, as well as WMD threats, hoaxes and incidents. With the ever-present threat of terrorists acquiring and using WMDs and their precursor chemicals and agents, CTS envisions an even greater need for prosecutors with WMD expertise and with strong scientific and anti-proliferation backgrounds.

In January 2006, after lengthy negotiations, the U.S. and its international partners agreed to the 2005 Protocol to the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the 2005 Protocol to the 1988 Protocol for the Suppression of Unlawful

Acts against the Safety of Fixed Platforms Located on the Continental Shelf. The purpose of these Protocols, which the U.S. signed in January 2006, is to strengthen criminal laws relating to terrorist attacks against or from ships and fixed maritime platforms and to prohibit the proliferation of weapons of mass destruction by means of ships to better defend the Nation and the World against the proliferation of weapons of mass destruction. The CTS played a critical role in the negotiation of these Protocols, especially in regard to the criminal sanctions included in them. Consistent with these Protocols, the U.S. has embarked on a process of negotiating non-proliferation agreements with numerous countries who serve as flag countries for many maritime vessels, and CTS continues to play a role in this process. Additional resources are required to follow through on these efforts and to fully implement the Protocols and related agreements in order to limit the proliferation of WMD.

During Fiscal Year 2006, CTS participated in the drafting of the National Strategy for Pandemic Influenza. A senior CTS attorney served as one of the principal authors of the chapter of that strategy titled "Law Enforcement, Public Safety and Security." CTS continues to be involved in the ongoing implementation of actions required of the Department by that plan. In addition, CTS participated in the WMD interagency working group that drafted the National Intelligence Plan, and continues to participate in the refinement and implementation of that Plan. CTS also participates in numerous international fora, including the G8, the U.S.- Canada Cross Border Crime Forum, the OAS, and many others, which focus on cooperative efforts to prevent WMD proliferation, to counter WMD threats, and to improve legal tools and mutual legal assistance to address such matters. Without additional resources, CTS will be unable to continue to meet the increasing demand of these efforts on all fronts.

In light of these expanded laws, policy directives, and agreements, the NSD has identified a strong need for focus and specialization in-house on weapons of mass destruction investigations and prosecutions of attempts, threats, hoaxes and related cases nationwide, in order to better connect the dots and prevent the catastrophe of a WMD attack. In particular, attorneys with scientific backgrounds and expertise in these areas would be a significant asset and would improve the technical aspects of our WMD investigations and prosecutions nationwide. In the event of an actual WMD crisis, such expertise would be essential not only to provide guidance to U.S. Attorneys' Offices, but also to support investigative and recovery efforts on scene at the incident, at FBI SIOC, and at alternate locations. These specialized resources would provide expertise on authorities and statutory bases for utilization of special federal capabilities and for interagency coordination.

Domestic Terrorism

Since 9/11, the United States' perspective in regard to protecting against terrorism has largely looked outward. Nonetheless, "traditional" home-grown terrorist groups continue to exist, and individuals like Timothy McVeigh, can continue to present a threat. Additionally, home-grown "jihadists" inspired by al-Qaeda and other international terrorists and terrorist groups but with no actual connection to them, pose a threat to the security of the United States, like the home-grown

British terrorists who carried out subway and bus attacks in London in July 2005. CTS seeks to establish a Domestic Terrorism Unit to specifically address these threats.

The aim of this Domestic Terrorism Unit within CTS will be to further protect America from the threat of terrorism on our home soil from disaffected Americans, members of domestic terrorism and extremist groups, and from homegrown jihadists inspired by and seeking to emulate international terrorists. The unit will focus on early identification and disruption to prevent and defeat terrorist operations before they occur and to vigorously prosecute those who commit or intend to commit such acts. The requested additional resources will enable us to effectively use the full range of investigative tools to focus on this activity and mount successful prosecutions. In recent years, the Department's and the Nation's attention has been largely devoted to international terrorism, and resources have been proportionately focused on prevention, disruption, investigation and prosecution of international terrorists. Yet we cannot afford to ignore the threat from domestic extremists. We must also focus greater attention on exploring possible links between international and domestic terrorists. Enhancement of resources devoted to domestic terrorism will permit us to support the investigative efforts of the domestic terrorism components of the FBI and related components of ATF; to fulfill our obligations under the Attorney General's guidelines to review, analyze and provide guidance to the FBI on the initiation, renewal and progress of Terrorism Enterprise Investigations; and to provide focus, guidance and investigative and prosecutive support to U.S. Attorneys' Offices.

ATAC Program

In a January 2006 memorandum to all U.S. Attorneys, the Deputy Attorney General designated CTS as the primary coordinator and manager of the ATAC Program. Although CTS already devotes significant resources to the ATAC program - through its National ATAC Coordinator and 6 Regional Anti-Terrorism Coordinators devoted to this program - the coordination, management, and training responsibilities for this essential program should be further enhanced to increase our capacity to develop investigative plans and strategies, train ATAC Coordinators and terrorism prosecutors, provide in-depth analysis of terrorism cases and best practices, and foster information sharing and joint efforts in common areas of interest among ATAC Coordinators.

CTS needs additional resources to balance its prosecutive and intelligence responsibilities in support of U.S. Attorneys' Offices. Additional resources would enable us to be proactive in developing investigative plans and strategies. An Intelligence Research Specialist (IRS)/Investigator could review and analyze large amounts of records, financial and otherwise, and provide investigative leads and direction in close coordination with investigative agents and terrorism prosecutors. As a resource for the field, the IRS/Investigator could jump-start investigations and provide the impetus to move them forward along the track of an appropriate prosecutive plan.

In addition, an IRS in CTS would provide national guidance as well as intelligence to the IRSs located in the U.S. Attorneys' Offices, and also enhance CTS's ability to absorb the increasing volume of intelligence material and threat information referred to the section. The FBI and most other agencies have intensified their efforts to gather and report intelligence, which is passed to CTS through various channels and with different degrees of detail. CTS reviews and passes on to ATAC Coordinators, as appropriate, intelligence reports and threat information pertinent to their investigations and districts. An IRS 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. An IRS could also generate meaningful intelligence summaries, create link analyses, and cull information in reports that highlights items of particular significance to matters within the Section.

Because CTS was recently designated as the primary coordinator and manager of the ATAC Program, the assistance of additional non-attorney supporting personnel is required to handle additional responsibilities such as the electronic dissemination of relevant information and guidance; summarizing survey responses that are routinely sought by the Department so that this information can be provided to the field and the Department leadership; assisting the National ATAC Coordinator with the development and facilitation of training for the Anti-Terrorism personnel in the field (currently approximately 25% of the National ATAC Coordinator's time); and assisting with the preparation of Power Point presentations on important topics, which are provided to ATAC Coordinators and used by them for training federal, state and local authorities who comprise the ATAC membership in the field. This comprehensive training of ATAC Coordinators and ATAC membership requires continuous logistical support and updating to keep it current and useful, and would substantially benefit from additional non-attorney resources devoted to these duties.

ATAC Regional Meetings and Special Focus Groups - The ATAC program is currently structured geographically into six regions, with CTS Regional Coordinators assigned to assist the ATAC Coordinators in each region with investigations, cases, and program management. Although some of the ATACs have held regional meetings (in locations central to the Region) to discuss common investigations, cases, and issues, there is no dedicated budget to allow Regional Coordinators and ATAC Coordinators to travel for Regional Meetings. Funding for CTS Regional Coordinators and other Anti-Terrorism personnel to attend quarterly or biannual Regional Meetings is needed to ensure the continued success of this vital and essential program.

In addition, many ATACs share common problems associated with industries or facilities in their districts that are considered vulnerable as potential targets of terrorism. The establishment of ATAC Special Focus Groups would enable the ATACs to better serve their districts by addressing specific issues common to districts in various regions and would allow CTS and ATACs to share information pertaining to intelligence, security measures and training on issues specific to those industries or facilities. Such Special Focus Groups might include Maritime/Ports; Oil & Gas/Petroleum Production; Agriculture & Food Production; Northern Border Issues; and Southern Border Issues. Funding for information-sharing meetings and

training of these Special Focus Groups currently does not exist and is needed to ensure that the NSD can focus on the Department's number one priority.

Terrorist Financing/ITOS Units

Terrorist financing and material support cases are a critical component of the Department's and the Administration's counterterrorism enforcement strategy, and CTS already devotes significant resources to the nationwide coordination and prosecution of terrorist financing, material support and other antiterrorism criminal enforcement efforts. However, additional resources are needed for the United States to realize the full value of these law enforcement tools and the legislative changes in information-sharing rules and legal authorities. We need additional attorneys and support personnel, to 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. As noted in the DOJ Strategic Plan for Terrorist Financing, terrorists and their associates exploit charities, as well as regulatory mechanisms designed to assure that the government has adequate information about the associations and memberships of applicants for tax-exempt status and immigration benefits. We are seeking to expand our criminal investigations and prosecutions toward fraudulent efforts to obtain government benefits - like citizenship and tax-exempt status - while concealing terrorist associations, an enforcement initiative that would promote the integrity of the benefits programs and regulatory regimes while assuring the government receipt of terrorism-related intelligence. More important, the availability of non-terrorism charges against terrorists and their associates will add to the menu of options available to the nation's counterterrorism prosecutors and officials, and permit law enforcement interdiction at an early stage of terrorist planning while minimizing the need to disclose sensitive sources and methods.

While U.S. Attorneys' Offices are increasingly reviewing FBI-generated counterterrorism intelligence with any eye toward prosecution, they often require significant guidance and assistance from CTS in charging strategy, declassification, discovery, motion practice and litigation, as well as computerized litigation support. Since 9/11, terrorist financing and material support have been key areas of oversight. CTS has conducted significant training of prosecutors and investigators nationwide and abroad, requiring frequent and extensive travel by Section attorneys. Alternative financing mechanisms, including narco-terrorism and hawalas, increasingly demand attention, and additional CTS resources are required to fully support training, operational, and litigation efforts that arise from these counterterrorism-related challenges.

Impact on Performance (Relationship of Increase to Strategic Goals)

As described above, the NSD request for resources for CTS relate directly to the Department's highest priority: Prevent Terrorism and Promote the Nation's Security. Additional CTS

resources will provide additional prosecutors to address the burgeoning workload in this critical area.

Funding

Base Funding

FY 2006 Availability				FY 2007 President's Budget				FY 2008 Current Services			
Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)
50	37	50	\$9,116	59	41	55	\$9,723	59	41	59	\$10,736

Base availability funding is an estimate based on total Criminal Division funding transferred to NSD in the FY 2007 budget. Funds are prorated based on total number of positions transferred.

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2008 Request (\$000)	FY 2009 Net Annualization (\$000)
Attorney	\$121	8	\$969	\$340
Intelligence Research	\$110	1	110	54
Paralegal	\$67	1	67	41
Secretary	\$56	1	56	21
Total Personnel		11	\$1,203	\$456

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2008 Request	FY 2009 Net Annualization
Travel for ATACs			\$128	\$0
Total Non-Personnel			\$128	\$0

Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)
Current Services	59	41	59			\$10,736
Increases	11	8	6	\$1,203	\$128	1,331
Grand Total	70	49	65			\$12,067

Item Name: **Crisis Preparedness and Management**

Budget Decision Unit: National Security Division

Strategic Goal & Objective: Strategic Goal 1: Prevent Terrorism and Promote the Nation's Security; Objective 1.2 Investigate and prosecute those who have committed, or intend to commit, terrorist acts in the United States.

Organizational Program: Crisis Preparedness and Management Office (new)

Program Increase: Positions: 5 Atty: 2 FTE: 3 Dollars: \$433,000

Description of Item

This request establishes NSD's Crisis Preparedness and Management Office, which will be a new component of the NSD, and which will provide focused attention on planning for and managing responses to terrorist and other catastrophic events affecting national security.

Justification

Crisis Preparedness and Management Office

The Department lacks a single component, internal mechanism or structure to comprehensively and effectively engage in strategic planning to address preparedness and crisis response issues. Our national security is directly related to our ability to address acts of terrorism as well as other national security threats and emergencies. True preparedness requires an organized, deliberate and focused approach, apart from the urgency of a particular existing crisis, and with more coordination both within the Department and with other agencies. Remedies devised in the midst of crisis may not reflect our best thinking or most desirable solutions.

The formation of the NSD offers an opportunity to address this deficiency. Additional Department resources, including a supervisory attorney, professional staff, and support personnel, must be allocated to handle these responsibilities in a focused and integrated fashion. The NSD needs sufficient resources to ensure that this critical function is properly executed.

The function is currently addressed by the CTS, by a single attorney (an experienced Assistant United States Attorney on detail to the Section) serving as the Department's National Crisis Management Coordinator. Due to the lack of resources and structure in the Department to handle preparedness and response issues, this attorney is frequently tasked to represent the Department at interagency meetings, to staff the DHS-led Interagency Incident Management Group, and to assist with other special projects. These projects are often time-consuming and labor intensive; they include, for example, the recent tasking to assist the Homeland Security Council with the Law Enforcement, Public Safety and Security portion of the National Implementation Plan for the Pandemic Influenza Strategy. These assignments have consumed the full time and attention of the National Crisis Management Coordinator and precluded him from attending to other important responsibilities—including the oversight of the Crisis

Management Coordinator program and the development of and participation in exercises to effectively prepare prosecutors to function in crisis situations—each of which, in turn, would consume the substantial majority of his time.

The Crisis Preparedness and Management Office will have responsibility for oversight of the Crisis Management Coordinator program, including review of crisis response plans for all 94 U.S. Attorneys' Offices and providing guidance and resources in support thereof. This includes educating all 94 U.S. Attorneys' Offices on the revised federal authorities for responding to terrorist and other critical incidents and on the new all hazards approach reflected in the National Response Plan and the ongoing revisions and updates to that plan. In addition, the Office will play a significant role in interagency working groups addressing revised authorities for resolution of terrorist acts and other national emergencies, as well as in domestic and international special events planning and preparedness. A few examples of such matters handled by the section in recent years include: representing the United States in the Command Center of the Winter Olympics in Italy; providing resources to assist in the event of a terrorist or other critical incident during the Olympics which might impact the United States or its interests; representing the Department in more than 10 national and international terrorism preparedness exercises; and participation in the planning process for several exercises conducted for national leadership officials, including the Senior Officials Exercise series, the TOPOFF series, the Eligible Receiver series, continuity of government exercises sponsored by the White House, and numerous others.

The Katrina Lessons Learned report points to an increasingly important focus on exercises and other preparedness efforts as well as the development of a cadre of experienced personnel to handle these responsibilities. These functions require a permanent, dedicated National Coordinator with specific expertise dedicated to the management and oversight of these important functions, as well as professional and support staff to effectively fulfill these functions. These critical matters require a cadre charged with strategic thinking about these issues, a conclusion supported by the Katrina Lessons Learned report. Lack of sufficient resources to devote to these responsibilities has limited the Department's ability to operate effectively in the national preparedness arena.

This function should be housed in a free-standing Office, reporting to the Assistant Attorney General, rather than in the CTS. This will ensure that those assigned to the Office can devote their full time and energy to its mission, and that they will not be pulled away to address short-term operational demands.

Impact on Performance (Relationship of Increase to Strategic Goals)

Dedicated resources in the Crisis Preparedness and Management Office will enhance the NSD's ability to promote the nation's security by ensuring that sufficient, focused attention is devoted to planning for and managing responses to terrorist and other catastrophic events. Current capacity, with the planning function assigned to one detailed attorney assigned to the Counterterrorism Section, has proven insufficient to meet crisis planning and management needs.

Funding

Base Funding

FY 2006 Availability				FY 2007 President's Budget				FY 2008 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 2008 Request (\$000)	FY 2009 Net Annualization (\$000)
Attorney	\$121	2	\$242	\$140
Program Analyst	\$67	2	134	81
Clerical	\$56	1	56	41
Total Personnel		5	\$433	\$262

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2008 Request (\$000)	FY 2009 Net Annualization (\$000)
Total Non-Personnel			0	0

Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)
Current Services	0	0	0			\$0
Increases	5	2	3	\$433	\$0	433
Grand Total	5	2	3			\$433

Item Name: Policy and Legal Analysis and Coordination

Budget Decision Unit: National Security Division

Strategic Goal and Objective: Strategic Goal 1: Prevent Terrorism and Promote the Nation's Security; 1.1 Prevent, disrupt, and defeat terrorist operations before they occur; 1.2 Investigate and prosecute those who have committed, or intend to commit, terrorist acts in the United States; 1.3 Combat espionage against the United States by strengthening counterintelligence capabilities.

Organizational Program: National Security Division

Program Increase: Positions: 12 Atty: 8 FTE: 6 Dollars: \$1,216,000

Description of Item:

This request establishes NSD's Law and Policy Office, which is a new component of the NSD that will coordinate with other agencies and provide policy advice to the Assistant Attorney General for the NSD and all Department components on national security and related matters.

Justification

The Law and Policy Office's mission will be to provide legal and policy guidance and support for investigation and prosecution of those who have committed or intend to commit terrorist acts or espionage in the United States and against U.S. interests at home and abroad. In addition, the Office will propose and implement policy initiatives and provide thoughtful, innovative and constructive legal guidance that balances the equities of the intelligence community and law enforcement. These policies and initiatives will support the overall efforts of the NSD, the Department and the Administration to:

- Strengthen counterterrorism investigative capabilities to identify, track, and prevent terrorist cells from operating in the United States and overseas;
- Continue to build intelligence gathering capabilities; and
- Improve information sharing and coordination with federal, State, local, and international partners

Since 9/11, several factors have contributed to the significant increase in national security related litigation, including, most notably, the fact that the Department has brought more counterterrorism-related prosecutions. Many of these cases have involved seldom used or new criminal statutes and, consequently, scant judicial guidance exists on the scope of the statutes, elements of the offenses, and related issues. Other cases have been international or extraterritorial in scope and involved seldom litigated constitutional and/or statutory issues.

Finally, many of the cases have involved the Classified Information Procedures Act (CIPA) and/or the Foreign Intelligence Surveillance Act (FISA) and the complex issues related to those statutes. This increase in national security-related litigation will likely continue; consequently,

the NSD must develop and institutionalize expertise within the Division in these cutting-edge areas of the law. The NSD must have policy resources it controls which are responsive to its established priorities in order to focus exclusively on the many novel and complex issues it will confront in future matters.

One important benefit from consolidating the Department's primary national security elements under a new Assistant Attorney General for National Security is that, in an era when it is increasingly important to balance intelligence and law enforcement responsibilities, the NSD will be able to provide more thoughtful, innovative and constructive legal and policy guidance. The Law and Policy Office will provide this focus. Although the Division has some resources available to address policy issues,¹ these resources are routinely diverted to meet pressing operational demands. Thus, policy takes a back seat to operational demands in all NSD components. If the NSD is to fulfill its promise to be the focal point for the Department's interface with the Intelligence Community on legal and policy issues, it needs a strong and independent capacity to shoulder these responsibilities. Specific responsibilities and functions to be performed by the Law and Policy Office include:

- Analysis and policy guidance on significant FISA legal issues, including jurisdictional issues raised by the FISA Court, minimization procedures, questions concerning use and derivative use, FISA use in non-criminal proceedings, pen register/trap and trace issues, cell site location and metadata, among others;
- Coordination of criminal law appellate issues with the Criminal Division's Appellate Section;
- Legislative drafting to address national security issues, procedures, and investigative tools, as well as terrorism, espionage, and related matters, based on the Office's own initiative and on suggestions generated by the litigating components, the FISA Operations Section, and U.S. Attorneys' Offices;
- Drafting, revising, reviewing and commenting on pertinent Attorney General Guidelines, including national security guidelines for the FBI, Departments of Defense, Homeland Security and Energy, U.S. Coast Guard, and other agencies; guidelines for undercover operations and otherwise illegal activities; and handling of issues raised by agency interpretations and applications of their guidelines that are inconsistent with AG Guidelines;
- Drafting of monographs and legal guidance to NSD attorneys and prosecutors in U.S. Attorneys' Offices on national security issues, tools, procedures and legislation;
- Representing the NSD and, when appropriate, the Department, on interagency working groups, committees and boards addressing national security issues and concerns including the

¹The FISA Operations Section (formerly the Office of Intelligence Policy and Review) identifies one senior manager devoted primarily to policy issues, with the function also embedded in a number of attorneys throughout the office. CTS has an 8-person unit responsible for policy, only three attorneys of which primarily deal with policy issues; the remaining 5 attorneys largely handle litigation and litigation-related matters. Thus baseline resources devoted primarily to policy in the existing NSD components consist of 4 attorneys.

drafting of new NSPDs on national security issues, designation of terrorist groups or individuals, hostage and personnel recovery working groups, information sharing working groups, National Combating Terrorism Strategy and Regional Strategies, terrorist financing, terrorist use of the internet, WMD and chemical, biological, radiological and nuclear (CBRN) terrorism and proliferation, maritime and piracy issues, Communications Assistance for Law Enforcement Act (CALEA) issues, and Committee on Foreign Investment in the United States (CFIUS) issues;

- Guidance and implementation concerning the National Intelligence Plan promulgated by the Director of National Intelligence (the CTS alone has identified more than 100 separate tasks in which it has a role);
- Overseeing and staffing sensitive projects, including drafting model pleadings, strategizing new or novel approaches with global effect that require a sea-change in approach, etc.;
- Drafting of briefing papers, testimony and responses to questions for the record on a wide range of terrorism and national security issues as needed, as well as review and comment on legislation, testimony and related items from other Department components and other agencies, relieving other NSD components of much of this burden,² and
- Development of policy and strategic plans related to crisis response and preparedness issues and guidance to Department components and U.S. Attorneys' offices on these matters.

Impact on Performance (Relationship of Increase to Strategic Goals)

Dedicated resources in the Law and Policy Office will provide expertise and focus on National security policy issues, freeing the operational components to concentrate on the development and use of intelligence information, investigations, and prosecutions. In consultation with and closely aligned with the interests and concerns of the operational components, the Law and Policy Office will address broad policy issues and integrated strategy for the NSD as a whole, and support the Assistant Attorney General's role vis-à-vis the Director of National Intelligence and the Intelligence Community. The Law and Policy Office will develop a cadre to interact with, consult with, and advise NSD components on national security law and policy and its application in investigations and cases. The Law and Policy Office will work in close coordination and consultation with the Office of Legal Policy and the Office of Legal Counsel but will provide specific focus and attention to the initial steps in the development of national security policy that these existing components are unable to devote because of their broader, Department-wide missions.

² In the second quarter of FY 2006, the most recent period in which such items were tracked, the Counterterrorism Section alone handled over 800 such items.

Funding

Current Services Funding

FY 2006 Availability				FY 2007 President's Budget				FY 2008 Current Services			
Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)
4	4	4	\$733	4	4	4	\$714	4	4	4	\$752

Base availability funding is an estimate based on total Criminal Division funding transferred to NSD in the FY 2007 budget.
Funds are prorated based on total number of positions transferred.

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position	Number of Positions Requested	FY 2008 Request	FY 2009 Net Annualization (\$000)
Attorney	121	8	\$969	\$556
Program Analyst	67	2	134	81
Clerical	56	2	112	41
Total Personnel	0	0	\$1,216	\$678

Total Request for this Item

Item	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)
Current Services	4	4	4			\$752
Increases	12	8	6	\$1,216	\$0	1,216
Grand Total	16	12	10			\$1,968

Item Name: Justice for Victims of Overseas Terrorism

Strategic Goal and Objective: Strategic Goal 1: Prevent Terrorism and Promote the Nation's Security; 1.1 Prevent, disrupt, and defeat terrorist operations before they occur; 1.2 Investigate and prosecute those who have committed, or intend to commit, terrorist acts in the United States

Organizational Program: Office of Justice for Victims of Overseas Terrorism

Program Increase: Positions: 3 Atty: 1 FTE: 2 Dollars: \$463,000

Description of Item

This request provides staffing to the Office of Justice for Victims of Overseas Terrorism (OJVOT), which was established pursuant to the Department of Justice FY 2005 Appropriations Act.

Justification

Section 126 of the Department of Justice Appropriations Act of 2005 required the Department to establish an "Office of Justice for Victims of Overseas Terrorism ... to ensure that the investigation and prosecution of [terrorist] deaths of American citizens overseas are a high priority within the Department of Justice." In response, the OJVOT was established within the Office of the Assistant Attorney General for the Criminal Division on May 3, 2005. Currently, the Office has 1 Counterterrorism Section attorney (who also works on other counterterrorism matters) assigned to it. Among other things, the office is responsible for monitoring and overseeing the investigation and prosecution of terrorist attacks against Americans abroad and establishing a Joint Task Force with the Department of State in the event of a terrorist incident against Americans overseas.

Although OJVOT does not have operational responsibility for the investigation and prosecution of terrorist attacks against Americans overseas, it has regular and direct interface with the Counterterrorism Section, which will retain primary responsibility for oversight and coordination of prosecutions, in conjunction with the United States Attorneys' Offices, as appropriate. In fact, many of the matters in which the Office has been involved since its inception have not become "cases" at all. For example, there are numerous investigations into murders of American citizens in the Middle East in which no individual or group has yet been indicted. In each of these matters, OJVOT has become involved because of issues raised by victims or families of victims which relate to the obstacles in bringing U.S. criminal charges. To carry out the Congressional mandate, joint efforts with the Department of State are required on the interagency task force. Further responsibilities of the Office, delineated by the Attorney General, require additional dedicated resources.

The specific responsibilities of the OJVOT are as follows:

- Work with the Counterterrorism Section and the United States Attorneys' Offices to help fulfill obligation under Section 126 of the Department of Justice Appropriations Act of 2005

to ensure that the investigation and prosecution of terrorist acts resulting in the death of American citizens overseas are a high priority within the DOJ.

- Fulfill the obligation under Section 126 of the Department of Justice Appropriations Act of 2005 to facilitate the creation and coordination of a Department of Justice and Department of State task force to be activated in the event of a terrorist incident against Americans overseas.
- Implement an Attorney General directive requiring OJVOT to: (1) monitor the investigation and prosecution of terrorist attacks against Americans abroad; (2) work with the Criminal Division's Victim-Witness Coordinator, the FBI, the United States Attorney's Offices, and other pertinent components to ensure that the rights of victims and their families are honored and respected; (3) compile pertinent data and statistics; (4) respond to Congressional and citizen inquiries on the Department's response to such attacks; and (5) file necessary reports with Congress.
- Identify and attempt to resolve major policy issues related to the investigation and prosecution of overseas terrorism cases. These issues often include questions implicating foreign policy, legislation and/or regulatory regimes regarding the treatment of victims and the response of the United States government to particular terrorist incidents.

Included in this request are 1 attorney (for total attorney strength of 2) and 2 victim coordinators.

The attorney will work on the major policy and regulatory issues in particular cases as well projects related to the broader obstacles to successful overseas terrorism prosecutions. Many of these issues are highly sensitive and complex. The attorney will also work on incoming correspondence from Congress and victims or victims rights groups, and meet with victims and victims' families. The victim coordinators will not duplicate the efforts of other victim witness coordinators in the FBI and the U.S. Attorney's Offices. Rather, the OJVOT victim coordinators will coordinate closely with them and will focus their efforts on victim outreach where these other entities have not become involved, or where additional outreach is necessary.

Unfortunately, there are enough matters in which Americans have been killed overseas to justify additional resource allocation without risking overlap.

Impact on Performance (Relationship of Increase to Strategic Goals)

Congress has repeatedly sought legislation to ensure that the investigation and prosecution of terrorist acts resulting in the deaths of American citizens overseas are a high priority within the DOJ. Such investigations and prosecutions have long been a high priority for the Department, and a critical element of carrying out that priority is the manner in which the Department handles the needs of victims and their families. American victims of terrorist attacks overseas are entitled to the same rights as victims of crimes in the United States. Many of these victims, and their congressional supporters, have been particularly vocal about their concerns relating to U.S. prosecutions of the terrorists implicated in these overseas attacks. The Department must be given sufficient resources to carry out these important duties.

Funding

Current Services Funding

FY 2006 Availability				FY 2007 President's Budget				FY 2008 Current Services			
Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)
1	1	1	\$100	1	1	1	\$177	1	1	1	\$181

Base availability funding is an estimate based on total Criminal Division funding transferred to NSD in the FY 2007 budget. Funds are prorated based on total number of positions transferred.

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2008 Request	FY 2009 Net Annualization (\$000)
Attorney	\$179	1	\$179	\$43
Victim Witness Coordinator	\$142	2	284	54
Total Personnel		3	\$463	\$97

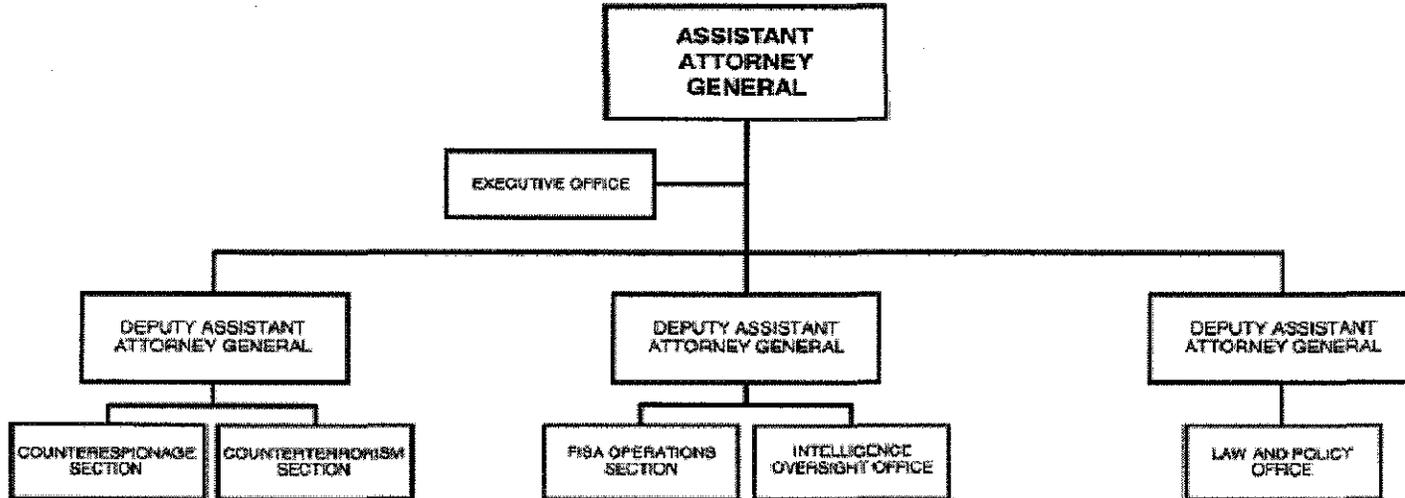
Total Request for this Item

Item	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total
Current Services	1	1	1			\$181
Increases	3	1	2	\$463	\$0	463
Grand Total	4	2	3			\$644

Appendix

A: Organizational Chart

NATIONAL SECURITY DIVISION



Approved by: *[Signature]* Date: 3-13-06
ALBERTO GONZALEZ
Assistant Attorney General

B: Summary of Requirements

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

	FY 2008 Pres. Budget		
	Perm. Pos.	FTE	Amount
FY 2006 Appropriation Enacted*	....	....	....
2007 President's Budget (information only)**	294	272	66,970
2007 Continuing Resolution Level	294	272	44,534
2007 Estimate (direct only)*	294	272	65,259
Adjustments to Base			
Increases:			
2008 Pay Raise (3.0 Percent)			748
Annualization of 2007 Pay Raise (2.2 Percent)			187
Annualization of 2007 positions, (FTE and Dollars)		22	2,836
Changes in Compensable Days			263
Thrift Savings Plan (TSP)			36
Health Insurance			67
GSA Rent			2,097
DHS Security Charges			6
Government Printing Office (GPO)			....
WCF Rate Increase			....
Subtotal Increases	....	22	6,240
Total Adjustments to Base	....	22	6,240
Total Adjustments to Base and Technical Adjustments	....	22	6,240
2008 Current Services	294	294	71,499
Program Increases			
FISA Operations and Intelligence Oversight	21	11	3,114
Counterterrorism Investigation and Prosecution	11	6	1,331
Crisis Preparedness and Management	5	3	433
Policy and Legal Analysis and Coordination	12	6	1,216
Justice for Victims of Overseas Terrorism	3	2	463
Total Program Increases	52	28	6,557
2008 Total Request	346	322	78,056
2007 - 2008 Total Change	52	50	12,797

* No amounts are shown for FY 2006 because NSD is proposed as a new appropriation in FY 2007.

** The Department of Justice 2008 budget request was built on a starting point that recognized progress in enacting the FY 2007 appropriation. The starting point used (referred to throughout this document as the "Estimate") is the average of the Senate Committee and House passed marks, less one percent, unless noted otherwise.

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

	2006 Enacted w/ Rescissions and Supplemental			2007 Estimate			2008 Adjustment to Base and Technical Adjustments			2008 Current Services			2008 Increases			2008 Offsets			2008 Request			
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	
Estimates by budget activity																						
National Security Division	294	272	65,259	....	22	6,240	294	294	71,499	52	28	6,557	....	....	....	346	322	78,056	
Total	294	272	65,259	....	22	6,240	294	294	71,499	52	28	6,557	....	....	....	346	322	78,056	
Reimbursable FTE																						
Total FTE	272			22			294			28			....	....	....	322			
Total Comp. FTE	272			22			294			28			....	....	....	322			

*No amounts are shown for FY 2006 because NSD is proposed as a new appropriation in FY 2007.

C: Program Increases/Offsets By Decision Unit

FY 2008 Program Increases/Offsets By Decision Unit
 National Security Division
(Dollars in Thousands)

Program Increases	Location of Description by Decision Unit	National Security Division				Total Increases
		Pos.	Agt/Atty	FTE	Amount	
FISA Operations and Intelligence Oversight		21	15	11	3,114	3,114
Counterterrorism Investigation and Prosecution		11	8	6	1,331	1,331
Crisis Preparedness and Management		5	2	3	433	433
Policy and Legal Analysis and Coordination		12	8	6	1,216	1,216
Justice for Victims of Overseas Terrorism		3	1	2	463	463
Total Program Increases		52	34	28	6,557	6,557

D: Resources by DOJ Strategic Goal and Strategic Objective

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

Strategic Goal and Objective	2006 Enacted w/Rescissions & Supp		2007 Estimate		2008 Current Services		2008				2008 Request	
	Direct Reimb, & Other FTE	Direct Amount \$000s	Direct Reimb, & Other FTE	Direct Amount \$000s	Direct Reimb, & Other FTE	Direct Amount \$000s	Increases		Offsets		Direct Reimb, & Other FTE	Direct Amount \$000s
							Direct Reimb, & Other FTE	Direct Amount \$000s	Direct Reimb, & Other FTE	Direct Amount \$000s		
Goal 1: Prevent Terrorism and Promote the Nation's Security												
1.1: Prevent, disrupt, and defeat terrorist operations before they occur	272	44,534	294	71,499	28	6,557	....	....	322	78,056
1.2: Investigate and prosecute those who have committed, or intend to commit, terrorist acts in the United States										
GRAND TOTAL	272	44,534	294	71,499	28	6,557	....	....	322	78,056

* No amounts are shown for FY 2006 because NSD is proposed as a new appropriation account for FY 2007.

E. Justification for Base Adjustments

**Justification for Base Adjustments
National Security Division**

(Dollars in Thousands)

Increases

2008 pay raise. This request provides for a proposed 3.0 percent pay raise to be effective in January of 2007. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$748, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$623 for pay and \$125 for benefits).

Annualization of 2007 pay raise. This pay annualization represents first quarter amounts (October through December) of the 2007 pay increase of 2.2 percent. The amount requested \$187, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$157 for pay and \$30 for benefits).

Annualization of additional positions approved in 2007. This provides for the annualization of 22 additional positions requested in the 2007 President's budget. For 2008, this request includes for full-year costs associated with these additional positions, for a net increase of \$2,836.

	<u>2007 Increases</u>	<u>Annualization Required for 2008</u>
Annual salary rate of 22 new positions	3,858	3,140
Less lapse (50 %)	<u>1,929</u>	<u>1,570</u>
Net Compensation	1,929	1,570
Associated employee benefits	537	623
Travel	73	156
Transportation of Things	0	23
GSA Rent	0	215
Communications/Utilities	162	66
Printing/Reproduction	8	5
Other Contractual Services:		
25.1 Advisory and Assistance	381	0
25.2 Other Services	4,624	73
25.3 Purchase of Goods and Services from Government Accts.	0	20
Supplies and Materials	50	29
Equipment	<u>1,517</u>	<u>56</u>
TOTAL COSTS SUBJECT TO ANNUALIZATION	\$9,281	\$2,836

Changes in Compensable Days: The increase costs of two more compensable day in FY 2008 compared to FY 2007 is calculated by dividing the FY 2007 estimated personnel compensation \$27,742 and applicable benefits \$5,894 by 260 compensable days. The cost increase of two compensable days is \$263.

Retirement: Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on OPM government-wide estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 3 percent per year. The requested increase of \$36 is necessary to meet our increased retirement obligations as a result of this conversion.

Health Insurance: Effect January 2008, this component's contribution to Federal employees' health insurance premiums increase by 5.7% percent. Applied against the 2007 estimate of \$1,175, the additional amount required is \$67.

General Services Administration (GSA) Rent: GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$2,097 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of an automated system, which uses the latest inventory data, including rate increases to be effective in FY 2007 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied. GSA provided data on the rate increases.

DHS Security Charges: The Department of Homeland Security (DHS) will continue to charge Basic Security and Building Specific Security. The requested increase of \$6 is required to meet our commitment to DHS, and cost estimates were developed by DHS.

Note: ATBs must be recalculated following final FY 2007 action.

F: Crosswalk of 2006 Availability

Crosswalk of 2006 Availability
 National Security Division
 Salaries and Expenses
(Dollars in Thousands)

Decision Unit	FY 2006 Enacted Without Rescissions			Rescissions			Supplementals			Reprogrammings / Transfers			Unobligated Balances Carried Forward / Recoveries			2006 Availability		
	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE	Amount
National Security Division	9,062	....	....	....	....	....	9,062
TOTAL	\$0	....	....	\$0	....	....	\$0	....	....	\$9,062	....	....	\$0	....	....	\$9,062
Reimbursable FTE		
Total FTE		
Other FTE																		
LEAP																		
Overtime		
Total Compensable FTE		

Reprogramming Upon final Congressional approval on 6/2/06, funds were reprogrammed from the Assets Forfeiture Fund Super Surplus for the startup of the new National Security Division.

G: Crosswalk of 2007 Availability

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

Decision Unit	2007 Estimate			Rescissions			Supplementals			Reprogrammings/ Transfers			Unobligated Balances Carried Forward /Recoveries			2007 Availability		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
National Security Division	294	272	65,259	....	....	....	....	....	1,736	....	....	....	....	....	8,966	294	272	75,961
TOTAL	294	272	65,259	....	....	\$0	....	....	\$1,736	....	....	\$0	....	....	\$8,966	294	272	75,961
Reimbursable FTE		....			....			....			....			....			....
Total FTE		272			....			....			....			....			272	
Other FTE																		
LEAP		....			....			....			....			....			....
Overtime		....			....			....			....			....			....
Total Compensable FTE		272			....			....			....			....			272	

Supplementals. Funds requested in the Global War on Terrorism supplemental.

Unobligated Balances. Funds were carried over from FY 2006 from the Assets Forfeiture Super Surplus Fund account. The NSD brought forward \$8,966 from funds provided in 2006 for startup costs.

I: Detail of Permanent Positions by Category

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

Category	2006 Enacted w/ Rescissions and Supp		2007 Estimate		2008 Request					
	Total Authorized	Total Reimbursable	Total Authorized	Total Reimbursable	Total Adj to Base	Program Increases	Program Decreases	Total Pr. Changes	Total Authorized	Total Reimbursable
Misc Operations, incl Security (010-099)			2			....		....	2	
Social Science, Psychology, Welfare (100-199)			
Human Resources Management (200-299)			2			....		....	2	
General Admin and Clerical (300-399)			50			15		15	65	
Accounting and Budget (500-599)			4			....		....	4	
Legal and Kindred / Paralegals (900-998)			27			3		3	30	
Attorneys (905)			202			34		34	236	
Information and Arts (1000-1099)			
Business and Industry (1100-1199)			
Physical Sciences (1300-1399)			
Library and Archives (1400-1499)			
Equipment/Facilities Services (1600-1699)			1			....		....	1	
Education (1700-1799)			
Investigation (1800-1899)			
Supply Services (2000-2099)			
Transportation (2100-2199)			
Information Technology (2210-2299)			6			....		....	6	
Total	294	....	....	52		52	346	....
Headquarters (Washington, D.C.)			291		....	52		52	343	
U.S. Field			3			....		....	3	
Foreign Field						
Total	294	....	....	52		52	346	....

* No positions are shown for FY 2006 because NSD is proposed as a new appropriation for FY 2007.

J. Financial Analysis of Program Increases/Decreases

**Financial Analysis of Program Changes
National Security Division
Salaries and Expenses
(Dollars in Thousands)**

Grades:	National Security Division										Program Changes	
	FISA Operations and Intelligence Oversight		Counterterrorism Investigations & Prosecutions		Crisis Preparedness and Management		Policy and Legal Analysis and Coordination		Justice for Victims of Overseas Terrorism		Pos.	Amount
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount		
EX	....	....	....	....	....	....	....	....	....	....	....	....
SES	....	....	....	....	....	....	....	....	....	....	....	....
GS-15	15	1,909	....	....	....	....	....	....	1	127	16	2,036
GS-14	....	....	9	961	2	216	8	866	2	191	21	2,234
GS-13	....	....	....	....	....	....	....	....	....	....	....	....
GS-12	....	....	....	....	....	....	....	....	....	....	....	....
GS-11	....	....	....	....	....	....	....	....	....	....	....	....
GS-9	2	94	1	47	2	94	2	94	....	....	7	328
GS-7	4	153	1	38	1	38	2	77	....	....	8	306
Total positions & annual amount	21	2,156	11	1,046	5	348	12	1,036	3	318	52	4,905
Lapse (-)	(11)	(1,078)	(6)	(523)	(3)	(174)	(6)	(518)	(2)	(159)	(26)	(2,452)
Other personnel compensation	....	2	....	1	....	1	....	1	....	....	....	4
Total FTE & personnel compensation	11	1,080	6	524	3	175	6	519	2	159	26	2,457
Personnel benefits	....	325	....	150	....	50	....	148	....	49	....	721
Travel and transportation of persons	....	110	....	156	....	15	....	59	....	8	....	348
Transportation of things	....	14	....	8	....	3	....	8	....	2	....	36
GSA rent	....	....	....	....	....	....	....	....	....	....	....	....
Communication and utilities	....	105	....	29	....	11	....	27	....	19	....	191
Printing	....	1	....	0	....	0	....	1	....	0	....	2
Advisory and assistance services	....	....	....	....	....	....	....	....	....	....	....	....
Other services	....	246	....	74	....	31	....	77	....	26	....	454
Purchases of goods & services from Govt accounts	....	4	....	0	....	....	....	....	....	1	....	5
Medical care	....	1	....	1	....	0	....	1	....	....	....	3
Operation and maintenance of equipment	....	....	....	....	....	....	....	....	....	....	....	....
Supplies and materials	....	15	....	8	....	4	....	9	....	2	....	37
Equipment	....	613	....	282	....	112	....	294	....	84	....	1,385
Buildout	....	600	....	100	....	31	....	74	....	113	....	917
Total, 2007 program changes requested	11	3,114	6	1,331	3	433	6	1,216	2	463	26	6,557

K: Summary of Requirements by Grade

Summary of Requirements by Grade

National Security Division

Salaries and Expenses

Grades and Salary Ranges	2006 Enacted w/Rescission and Supp		2007 President's Request		2008 Request		Increase/Decrease	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Executive Level I, \$161,200			1		1		....
SES, \$109,808 - \$152,000		14		14		....
GS-15, \$107,521 - 139,774		202		251		16	
GS-14, \$91,407 - 118,828		14		17		21	
GS-13, \$77,353 - 100,554		22		22		....
GS-12, \$65,048 - 84,559		3		3		....
GS-11, \$54,272 - 70,558		21		21		....
GS-9, \$44,856 - 58,318		6		14		7	
GS-8, 40,612 - 52,794		5		5		....
GS-7, \$36,671 - 47,669		4		13		8	
GS-6, \$33,000 - 42,898		1		1		....
GS-5, \$29,604 - 38,487		1		1		....
Total, appropriated positions		294		363		52	
Average ES Salary			156,104		159,538		
Average GS Salary			98,346		98,554		
Average GS Grade				14.02		13.79		

* No positions are shown for FY 2006 because NSD is proposed as a new appropriation FY 2007.

L: Summary of Requirements by Object Class

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

Object Classes	2006 Enacted*		2007 Estimate		2008 Request		Increase/Decrease	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
11.1 Total FTE & personnel compensation	....	....	271	27,142	321	32,167	50	5,025
11.3 Other than full-time permanent	....	....	1	100	1	100	....	....
11.5 Total, Other personnel compensation	....	....	....	500	....	504	....	4
<i>Overtime</i>	....	....	....	159	....	163	....	4
<i>Other Compensation</i>	....	....	....	341	....	341	....	....
11.8 Special personal services payments	....	....	....	....	....	....	....	....
Total	....	....	272	27,742	322	32,772	50	5,030
Reimbursable FTE:								
Full-time permanent	{0}		{0}		{0}		{0}	
Other Object Classes:								
12.0 Personnel benefits	....	....	....	7,069	....	8,712	....	1,643
21.0 Travel and transportation of persons	....	....	....	2,816	....	3,348	....	532
22.0 Transportation of things	....	....	....	87	....	146	....	59
23.1 GSA rent	....	....	....	9,085	....	11,397	....	2,312
23.2 Rental payments to others	....	....	....	....	....	....	....	....
23.3 Communications, utilities, & misc. charges	....	....	....	1,031	....	1,288	....	257
24.0 Printing and reproduction	....	....	....	17	....	24	....	7
25.1 Advisory and assistance services	....	....	....	485	....	485	....	....
25.2 Other services	....	....	....	14,864	....	15,460	....	596
25.3 Purchases of goods & services from Government accounts	....	....	....	15	....	40	....	25
25.4 Operation and maintenance of facilities	....	....	....	2	....	2	....	....
25.5 Research and development contracts	....	....	....	1	....	1	....	....
25.6 Medical Care	....	....	....	....	....	6	....	6
25.7 Operation and maintenance of equipment	....	....	....	6	....	6	....	....
26.0 Supplies and materials	....	....	....	424	....	490	....	66
31.0 Equipment	....	....	....	1,615	....	3,056	....	1,441
32.0 Land and structures	....	....	....	....	....	823	....	823
Total obligations	....	....	....	65,259	....	78,056	....	12,797
Unobligated balance, start of year				....		....		....
Unobligated balance, end of year				....		....		....
Recoveries of prior year obligations				....		....		....
Total requirements				65,259		78,056		
Relation of Obligation to Outlays:								
Total obligations				65,259		78,056		
Obligated balance, start of year				....		5,442		
Obligated balance, end of year				(5,442)		(6,850)		
Recoveries of prior year obligations				....		....
Outlays				59,817		76,648		

* No amounts are shown for FY 2006 because NSD is proposed as a new appropriation for FY 2007.

2. Performance Table

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: National Security Division											
DOJ Strategic Goal/Objective: 1.1 Prevent, disrupt, and defeat terrorist operations before they occur.											
Workload / Resources		Final Target		Actual		Estimate		Changes		Requested (Total)	
		FY 2006		FY 2006		FY 2007		Current Services Adjustments and FY 2008 Program Changes		FY 2008 Request	
Workload: Cases Open		73		50		92		13		105	
Workload: Cases Closed		55		55		80		20		100	
Workload: Matters Opened		314		315		370		60		430	
Workload: Matters Closed		114		114		142		28		170	
Total Cost and FTE		FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
reimbursable FTE are included but reimbursable costs are bracketed and not included in totals		n/a	n/a	n/a	n/a	272	66,259	50	12,797	322	79,056
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2006		FY 2006		FY 2007		Current Services Adjustments and FY 2008 Program Changes		FY 2008 Request	
Program Activity	National Security Division	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
		n/a	n/a	n/a	n/a	272	66,259	50	12,797	322	79,056
Performance Measure	Number of training conferences and seminars on terrorism-related topics	60		40		60		0		60	
Performance Measure	Number of FISA applications approved	n/a		n/a		n/a		n/a		n/a	
OUTCOME	Favorably resolved Counterterrorism/Counterespionage criminal cases	n/a		n/a		90%		0%		90%	